UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAS AMERICAS IMMIGRANT ADVOCACY CENTER, *et al.*, Plaintiffs v. CHAD WOLF, in his official capacity, Acting Secretary of the U.S. Department of Homeland Security, *et al.*, Defendants.	No. 1:19-cv-3640 (KBJ)

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs Las Americas Immigrant Advocacy Center; A.R.R.D. and her minor child, L.E.R.D.; A.S.C.R, K.M.V., and their minor child F.B.G.C.; and B.G.R. and her minor children, D.M.F.G., B.C.F.G., J.M.F.G., and S.F.G. respectfully move this Court for summary judgment on all counts raised in their Amended Complaint, Dkt. No. 2.

As explained in the accompanying memorandum, Defendants have put in place a new policy of detaining asylum seekers in CBP facilities throughout their asylum screening process, without any meaningful opportunity to access prospective or retained counsel or other third parties and in appalling conditions. Defendants' policy change is unlawful in several ways. It is arbitrary and capricious, in violation of the Administrative Procedure Act ("APA"). It violates clear statutory and regulatory requirements that noncitizens in credible fear proceedings have access to counsel and the ability to consult with other third parties. Moreover, it violates

statutory and regulatory guarantees that noncitizens may apply for asylum and are entitled to withholding of removal under 8 U.S.C. § 1231 and relief pursuant to the Convention Against Torture if they meet the relevant criteria. Finally, it deprives asylum seekers of due process in violation of the Constitution. This motion is based on the accompanying memorandum; the Administrative Record provided by Defendants; the evidence filed in support of the memorandum; the Motion for Preliminary Injunction, Dkt. No. 21, including the evidence filed in support; and such oral arguments and evidence as may be presented at a hearing on the motion. Plaintiffs are therefore entitled to prevail on all their claims and are entitled to relief on all claims as a matter of law. A proposed order is attached for the Court's convenience.

Dated: January 27, 2020

Respectfully submitted,

/s/Andre Segura

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Admitted pro hac vice