



Children's Legal Center

Children's Legal Center Fourth Quarter Report

In **JTM et al. vs. Mayorkas et al.**, we are still in the initial stages of litigation. On August 10, 2022, the Department of Homeland Security ("DHS") filed their Motion to Dismiss arguing that the matter should be dismissed for four reasons: (1) only the US Supreme Court has jurisdiction because of a prior case; (2) the case is too late since the challenged policy is from 2006; (3) Children's Legal Center ("CLC") wasn't harmed by the policy; and (4) asylum seekers having their passports or other biographical documents gives them the "appearance of legitimacy" and that the Plaintiff's didn't request their documents back from DHS.

On September 29, 2022, we filed our Response in Opposition to DHS's Motion to Dismiss which provides that DHS is wrong and addresses their reasons: (1) The prior case only prevents courts other than the United States Supreme Court from restricting federal officials when the federal officials are carrying out specific statutory provisions. The confiscation of asylum seekers' documents is not a specific statutory provision in the Immigration and Nationality Act (INA); (2) it's not too late because the asylum seekers just recently arrived in the United States to seek asylum and therefore weren't affected or aware of the policy until they came to the United States; (3) CLC has extended resources, which are limited as a nonprofit, to help asylum seekers obtain replacement documents from the documents confiscated by DHS; (4) asylum seekers are not criminal or illegitimate and are not in violation of any law for seeking asylum in the United States. There is no public facing process for asylum seekers to request their documents back.

In the next 6 months to a year, we anticipate that the Court will rule on the Motion to Dismiss. If we are successful in continuing the litigation, we intend to seek a settlement agreement including rescission or suspension of the confiscation policy which is a way for clients to request their documents back and prevent further confiscation of documents of newly arriving asylum seekers.

Follow up information can be obtained from:

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