

**Stephen Manning**, OSB No. 013373  
smanning@ilgrp.com

**Nadia Dahab**, OSB No. 125630  
nadia@innovationlawlab.org

**Jordan Cunnings**, OSB No. 182928  
jordan@innovationlawlab.org

**Tess Hellgren**, OSB No. 191622  
tess@innovationlawlab.org

**INNOVATION LAW LAB**

The Oregon Trail Bldg  
333 SW 5th Ave Ste 200  
Portland OR 97204  
Telephone: 503.241.0035

**Melissa Crow** (*admitted pro hac vice*)  
Melissa.Crow@splcenter.org

**SOUTHERN POVERTY LAW CENTER**

1101 17th Street, NW, Suite 705  
Washington, DC 20036  
Telephone: 202.355.4471

*Attorneys for Plaintiffs*

*Las Americas Immigrant Advocacy Center;  
Asylum Seeker Advocacy Project; Catholic Legal  
Immigration Network, Inc.; Innovation Law Lab;  
Santa Fe Dreamers Project; and Southern Poverty  
Law Center*

**Thomas R. Johnson**, OSB No. 010645  
TRJohnson@perkinscoie.com

**Bryan D. Beel**, OSB No. 073408  
BBeel@perkinscoie.com

**Heidee Stoller**, OSB No. 072835  
HStoller@perkinscoie.com

**Nathan R. Morales**, OSB No. 145763  
NMorales@perkinscoie.com

**PERKINS COIE LLP**

1120 N.W. Couch Street, 10th Floor  
Portland, OR 97209-4128  
Telephone: 503.727.2000

**Rebecca Cassler** (*admitted pro hac vice*)  
Rebecca.Cassler@splcenter.org

**Gracie Willis** (*admitted pro hac vice*)  
Gracie.Willis@splcenter.org

**SOUTHERN POVERTY LAW CENTER**

150 E. Ponce de Leon Avenue, Suite 150  
Decatur, GA 30030  
Telephone: 404.221.6700

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

LAS AMERICAS IMMIGRANT  
ADVOCACY CENTER; ASYLUM  
SEEKER ADVOCACY PROJECT;  
CATHOLIC LEGAL IMMIGRATION  
NETWORK, INC.; INNOVATION LAW  
LAB; SANTA FE DREAMERS  
PROJECT; AND SOUTHERN POVERTY  
LAW CENTER,

Plaintiffs,

Case No. 3:19-cv-02051-IM

PLAINTIFFS' NOTICE OF ADDITIONAL  
AUTHORITIES

PLAINTIFFS' NOTICE OF ADDITIONAL  
AUTHORITIES

**Perkins Coie LLP**  
1120 N.W. Couch Street, 10th Floor  
Portland, OR 97209-4128  
Phone: 503.727.2000  
Fax: 503.727.2222

v.

DONALD J. TRUMP, in his official capacity as President of the United States; WILLIAM BARR, in his official capacity as Attorney General of the United States; U.S. DEPARTMENT OF JUSTICE; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; AND JAMES MCHENRY, in his official capacity as EOIR Director of the United States,

Defendants.

PLAINTIFFS' NOTICE OF ADDITIONAL  
AUTHORITIES

**Perkins Coie LLP**  
1120 N.W. Couch Street, 10th Floor  
Portland, OR 97209-4128  
Phone: 503.727.2000  
Fax: 503.727.2222

Plaintiffs write to advise the Court of the Ninth Circuit’s recent decision in *East Bay Sanctuary Covenant v. Barr*, -- F.3d --, 2020 WL 3637585 (9th Cir. July 6, 2020), and the D.C. District Court’s recent decision in *Capital Area Immigrants’ Rights Coalition v. Trump*, -- F. Supp. 3d --, 2020 WL 3542481 (D.D.C. June 30, 2020). Both are relevant to the issues raised in Defendants’ Motion to Dismiss.

1. In *East Bay Sanctuary Covenant v. Barr*, the Ninth Circuit held that the plaintiffs, all “nonprofit organizations that represent and assist asylum seekers,” had Article III standing because the challenged rule frustrated the plaintiffs’ “mission[s] of providing legal aid to . . . asylum applicants” and resulted in “a diversion of [the plaintiffs’] resources . . . from their other initiatives.” 2020 WL 3637585, at \*8.

2. In *Capital Area Immigrants’ Rights Coalition v. Trump (CAIR)*, the D.C. District Court addressed three issues relevant to Defendants’ Motion to Dismiss:

First, as in *East Bay*, the *CAIR* court held that the organizational plaintiffs had Article III standing because the challenged rule would “frustrate their ability to provide legal services directly to asylum applicants, a core component of their respective missions.” 2020 WL 3542481, at \*7. The court found organizational standing because the challenged rule “conflicts with these organizations’ missions and inhibits their daily activities,” forcing them “to expend resources to counteract the Rule,” *id.* at \*8, and “mak[ing] it harder for them to provide their core representational services,” *id.* at \*9.

Second, the court held that organizational plaintiffs who help individuals navigate the INA’s statutory procedure for asylum “fall within the zone of interests protected by the INA.” *Id.* at \*11.

Third, the court held that 8 U.S.C. §§ 1252(a)(5) and (b)(9) are limited in scope “to challenges that either seek review of a removal order or involve questions arising from a removal action or proceeding.” *Id.* at \*8 (citing *O.A. v. Trump*, 404 F. Supp. 3d 109, 126–38 (D.D.C.

2019); *Dep't of Homeland Sec. v. Regents of the Univ. of California*, – U.S. –, 2020 WL 3271746, at \*8 (2020)). The court held that “the text of Section 1252 provides no support for the proposition that organizations may not facially challenge under the APA immigration-related regulations.” *Id.* The court further held that 8 U.S.C. § 1252(f)(1) did not apply to the organizational plaintiffs’ claims seeking to vacate an agency rule, because, by vacating the rule, “the Court is not enjoining or restraining the INA’s operation.” *Id.* at \*23.

DATED: July 11, 2020

**INNOVATION LAW LAB**

By: /s/ Nadia H. Dahab

**Thomas R. Johnson**, OSB No. 010645  
TRJohnson@perkinscoie.com  
**Bryan D. Beel**, OSB No. 073408  
BBeel@perkinscoie.com  
**Heidee Stoller**, OSB No. 072835  
HStoller@perkinscoie.com  
**Nathan R. Morales**, OSB No. 145763  
NMorales@perkinscoie.com  
**PERKINS COIE LLP**  
1120 N.W. Couch Street, 10th Floor  
Portland, OR 97209-4128  
Telephone: 503.727.2000

**Stephen Manning**, OSB No. 013373  
smanning@ilgrp.com  
**Nadia Dahab**, OSB No. 125630  
nadia@innovationlawlab.org  
**Jordan Cunnings**, OSB No. 182928  
jordan@innovationlawlab.org  
**Tess Hellgren**, OSB No. 191622  
tess@innovationlawlab.org  
**INNOVATION LAW LAB**  
The Oregon Trail Bldg  
333 SW 5th Ave Ste 200  
Portland OR 97204  
Telephone: 503.241.0035

**Melissa Crow** (*admitted pro hac vice*)  
Melissa.Crow@splcenter.org  
**SOUTHERN POVERTY LAW  
CENTER**  
1101 17th Street, NW, Suite 705  
Washington, DC 20036  
Telephone: 202.355.4471

*Attorneys for Plaintiffs*  
*Las Americas Immigrant Advocacy Center;*  
*Asylum Seeker Advocacy Project; Catholic*  
*Legal Immigration Network, Inc.; Innovation*  
*Law Lab; Santa Fe Dreamers Project; and*  
*Southern Poverty Law Center*

**Rebecca Cassler** (*admitted pro hac vice*)  
Rebecca.Cassler@splcenter.org  
**Gracie Willis** (*admitted pro hac vice*)  
Gracie.Willis@splcenter.org  
**SOUTHERN POVERTY LAW  
CENTER**  
150 E. Ponce de Leon Avenue, Suite 150  
Decatur, GA 30030  
Telephone: 404.221.6700