

Center for Constitutional Rights

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://ccrjustice.org/home/what-we-do/our-cases/east-bay-sanctuary-covenant-v-trump>

Policy Issue Resources

The Ninth Circuit Court of Appeals upheld the district court's preliminary injunction on February 28, 2020.

ACLU Immigrants' Rights Project; ACLU of Northern California; Southern Poverty Law Center

[East Bay Sanctuary Covenant](#); [Al Otro Lado](#); [Innovation Law Lab](#); [Central American Resource Center in Los Angeles](#)

This case was brought by non-profit, grassroots organizations fighting for the rights of immigrants and refugees to challenge the Trump administrations sudden and unilateral imposition of a bar on asylum eligibility to those who cross the southern border without authorization. U.S. asylum law has long allowed for immigrants fleeing persecution to seek asylum regardless of their manner of entry. But on November 8, 2018, the Department of Homeland Security and the Department of Justice promulgated a rule to bar those who enter without inspection from seeking asylum; President Trump issued a presidential proclamation suspending the entry of all those who cross the southern border without inspection the next day. Taken together, the rule and proclamation undermine the express will of Congress, which authorized those who enter without inspection to seek asylum. Further, the rules flout the limits of executive agencies power to make new rules without giving notice and an opportunity for the public to comment. Plaintiffs claims are based on violations of the Immigration and Nationality Act and the Administrative Procedure Act.

We seek an injunction to bar the administrations unlawful actions, which will have devastating and life-threatening effects on asylum-seekers at the southern border. Those who cannot apply for asylum are likely to be deported to face severe persecution and possible death. As documented in our case [Al Otro Lado v. Nielsen](#), the Department of Homeland Security has a documented pattern, practice, and policy of turning asylum-seekers away from official ports of entry at the U.S. border with Mexico, thus pushing many asylum-seekers to cross the border without authorization in order to reach relative safety. The administrations latest action is part of its broad assault on immigrants of color.

This case is part of CCRs larger work fighting abusive immigration policies, supporting immigrants and immigrant rights organizations, and upholding international human rights.

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