

Center for Constitutional Rights

Discrimination, Detention, and Deportation: Immigration & Refugees

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

Policy Issue Resources

Judge Jon Tigar in the Northern District of California issued a preliminary injunction against the latest transit ban on February 16, 2021.

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

East Bay is similar to its companion case, [East Bay](#), is brought by non-profit, grassroots organizations fighting for the rights of immigrants and refugees to challenge the Trump administration's latest asylum ban. On July 16, 2019, the attorney general and acting secretary of Homeland Security promulgated an interim final rule through which the United States would bar from asylum any noncitizens who traveled through another country to reach the U.S.-Mexico border, provided that they had not first petitioned for asylum in that intermediate country. Accordingly, individuals fleeing persecution from Northern Triangle countries, as well as the growing surge of African migrants, will be denied access to the U.S. asylum process. If this law were to go into effect, thousands of individuals would be returned home and forced to face the very persecution from which they fled.

We seek an injunction to bar the administration's unlawful actions, which will have devastating and life-threatening effects on asylum seekers at the southern border. Congress spoke clearly when it established laws addressing the interrelation between asylum seekers and third-party countries: explicit provisions of the Immigration and Nationality Act (INA) governing (a) firm resettlement and (b) safe third country agreements govern this precise issue. The Trump administration's actions are permissible under neither provision and, as we allege, are contrary to federal law in violation of the INA and the Administrative Procedure Act. As documented in our cases [East Bay](#) and [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. This rule is merely the latest iteration of a systemic, government-wide decision to unlawfully deter asylum seekers from seeking safe haven at our borders and to vilify immigrants of color.

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

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