

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

REFUGEE AND IMMIGRANT CENTER
FOR EDUCATION AND LEGAL
SERVICES, *et al.*,

Plaintiffs,

v.

KRISTI NOEM, *et al.*,

Defendants.

Civil Action No. 25-306 (RDM)

ORDER

On January 20, 2025, President Donald Trump issued a proclamation declaring that “the current situation at the southern border qualifies as an invasion” and “restrict[ing]” the ability of noncitizens “engaged in the invasion” to “invok[e] provisions of the [Immigration and Nationality Act (“INA”)] that would permit their continued presence in the United States.” Proclamation No. 10888, 90 Fed. Reg. 8333 (Jan. 20, 2025). Proclamation 10888 specifically forbids covered noncitizens from invoking their right to apply for asylum under 8 U.S.C. § 1158(a). *Id.* Defendant Kristi Noem, the Secretary of Homeland Security, has, along with others, taken steps to implement the proclamation and to make related policy changes.

The plaintiffs in this case include immigrant advocacy organizations (Refugee and Immigrant Center for Education and Legal Services, Las Americas Immigrant Advocacy Center, and Florence Immigrant & Refugee Rights Project) and individual noncitizen plaintiffs who are proceeding pseudonymously on their own behalves and on behalf of a putative class of all noncitizens who “were, are, or will be subject to the Proclamation.” Dkt. 11 at 27 (Am. Compl. ¶ 86). The individual plaintiffs in this case all entered the United States after Proclamation

10888 was issued. Dkt. 11 at 8–11 (Am. Compl. ¶¶ 12–19). Some of those plaintiffs have already been removed by Defendants. *See* Dkt. 15 at 2 n.2. Others are still in the United States but are currently detained and at imminent risk of removal. *Id.* at 1.

According to Plaintiffs, Proclamation 10888 is “both unlawful and unprecedented.” Dkt. 11 at 4 (Am. Compl. ¶ 3). They ask the Court to enjoin Defendants from implementing Proclamation 10888 and to require Defendants to “facilitate” the return to the United States of any individual Plaintiffs who were removed in accordance with the proclamation. *Id.* at 42–43 (Am. Compl. Prayer for Relief). Plaintiffs have also moved for a preliminary injunction, asking the Court to prohibit Defendants from implementing or enforcing Proclamation 10888 or from removing any noncitizens based on any policy implementing the proclamation. *See* Dkt. 14.

Plaintiffs also request that this Court issue a temporary restraining order enjoining Defendants from removing the plaintiffs who are still in the United States—Plaintiffs A.M., Z.A., T.A., A.T., M.A., N.S.,¹ B.R., and G.A.—pending the resolution of Plaintiffs’ motion for a preliminary injunction, Dkt. 14. *See* Dkt. 15. For the reasons stated on the record at the Court’s February 20, 2025 hearing—including the fact that removal of the plaintiffs could deprive the Court of jurisdiction—it is **ORDERED** that an administrative **STAY** is hereby entered until **12:00 p.m. on Monday, February 24, 2025**, to allow the government to gather the information it needs to respond to Plaintiffs’ motion for a temporary restraining order and to provide time for expedited briefing and a hearing on that emergency motion. *See United States v. Texas*, 144 S. Ct. 797, 798 (Barrett, J., concurring) (describing administrative stays as “freez[ing] legal

¹ At the hearing on February 20, 2025, Plaintiffs and Defendants both indicated that Plaintiff N.S. may have been removed between the filing of Plaintiff’s emergency motion and the Court’s entry of the administrative stay. If that turns out to be the case, the stay shall not apply to N.S. but will apply with respect to all other listed Plaintiffs.

proceedings until the court can rule on a party's request for expedited relief"). Defendants shall not remove Plaintiffs A.M., Z.A., T.A., A.T., M.A., N.S., B.R., and G.A. during the pendency of the stay.

It is further **ORDERED** that Defendants shall respond to Plaintiffs' emergency motion for a stay of removal, Dkt. 15, on or before February 21, 2025; that Plaintiffs shall reply on or before February 22, 2025; and that the parties shall appear for a hearing on the motion for emergency relief on February 24, 2025, at 9:00 a.m. in Courtroom 8.

SO ORDERED.

/s/ Randolph D. Moss
RANDOLPH D. MOSS
United States District Judge

Date: February 20, 2025