

ORAL ARGUMENT NOT YET SCHEDULED
No. 21-5200

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NANCY GIMENA HUISHA-HUISHA, *et al.*, on behalf of themselves and others
similarly situated,

Plaintiffs-Appellees,

v.

ALEJANDRO MAYORKAS, Secretary of Homeland Security, in his official
capacity, *et al.*,

Defendants-Appellants.

On Appeal from the United States District Court
for the District of Columbia
No. 1:21-cv-00100-EGS

**MOTION FOR LEAVE TO PARTICIPATE AS *AMICUS CURIAE* IN
SUPPORT OF PLAINTIFFS-APPELLEES' OPPOSITION TO
DEFENDANTS-APPELLANTS' EMERGENCY MOTION FOR STAY
PENDING APPEAL AND FOR AN ADMINISTRATIVE STAY PENDING
DISPOSITION OF THE STAY MOTION**

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The International Refugee Assistance Project, Inc. (“IRAP”) respectfully moves for leave to participate as *amicus curiae* and to file the attached *amicus curiae* brief in support of Plaintiffs-Appellees’ Opposition to Defendants-Appellants’ Emergency Motion for Stay Pending Appeal and for an Administrative Stay Pending Disposition of the Stay Motion (Doc. #1914728). IRAP has consulted with the parties in this litigation. Counsel for Plaintiffs consents to IRAP’s filing an *amicus curiae* brief. Counsel for Defendants “takes no position on [IRAP’s] motion,” but notes that “if the motion is granted the amicus brief should be filed on or before plaintiff[s]’ due date of Thursday, Sept. 23 at 4pm.”

IRAP is a nonprofit organization dedicated to advancing and defending the rights of refugees and other displaced people through systemic litigation, direct representation, and policy and media advocacy. Since its founding in 2008, IRAP has acted as counsel to hundreds of refugees and asylum seekers before administrative agencies and in the federal courts.

There is good cause to allow this brief’s filing. Because of its work on behalf of displaced people, including its work with asylum seekers affected by the expulsion policy, IRAP is uniquely positioned to offer insight into the worldwide refugee crisis and the specific policy at issue and has a strong interest in ensuring that the Refugee Act and related laws are enforced in a manner that is consistent with Congress’s objectives to create a robust humanitarian protection system and to cabin

the Executive's discretion in that system. IRAP seeks to submit this *amicus curiae* brief to show how Defendants-Appellants' expulsion policy is contrary to the laws Congress put in place to protect asylum seekers, violating well-established rights. IRAP believes that its insight into U.S. humanitarian protection laws and their legislative history will assist the Court in a full understanding of the protections and procedures Congress requires for all asylum seekers, and how the challenged policy circumvents such protections and procedures.

Dated: September 23, 2021
New York, New York

Respectfully submitted,

/s/ Kathryn Austin

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CORPORATE DISCLOSURE STATEMENT

Pursuant to D.C. Circuit Rules 8(a)(4), 26.1, 27(a)(4), and 29(b) and Federal Rules of Appellate Procedure 29(a)(4)(A) and 26.1, proposed *amicus curiae* submits the following corporate disclosure statement:

The International Refugee Assistance Project, Inc. is a private, non-profit organization dedicated to advancing and defending the rights of refugees and other displaced people through systemic litigation, direct representation, and policy and media advocacy. It has no parent corporation, and no publicly held corporation owns 10% or more of its stock.

CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2021, the foregoing motion to participate as *amicus curiae*, along with the attachment, was served by filing a copy using the Court's ECF filing system, which will send notice of the filing to all counsel of record.

/s/ Kathryn Austin

Kathryn Austin

Counsel for Amicus Curiae