

NOTICE OF POTENTIAL CLASS MEMBERSHIP

***Al Otro Lado v. Mayorkas*, Case No. 17-02366 (S.D. Cal.)**

If you: (1) sought to enter the United States through a land port of entry on the U.S.-Mexico border **before** July 16, 2019, to seek asylum, but, (2) due to metering at the port of entry you were not able to cross the border to enter the United States until **on or after** July 16, 2019; (3) are **not** a Mexican citizen or national; and (4) would still like to pursue asylum in the United States, you are a member of the preliminary-injunction class in the *Al Otro Lado* class action lawsuit. If you are a class member, a court decision called a preliminary injunction prevents the U.S. government from applying a rule limiting asylum eligibility known as the “third-country transit rule” to you. If you are a class member, and the U.S. government already applied the third-country transit rule to your asylum claim, you may be entitled to have your case reopened or reconsidered.

This Notice is not a solicitation from a lawyer and does not create any benefits.

WHAT IS THE PRELIMINARY INJUNCTION ABOUT?

Al Otro Lado v. Mayorkas is a lawsuit that relates to the U.S. government’s use of “metering” at land ports of entry on the U.S.-Mexico border. The Court in this lawsuit issued an order called a “preliminary injunction” (PI) prohibiting the U.S. government from applying a rule known as the “third-country transit rule” to the following individuals (known as “PI Class Members”):

all non-Mexican asylum seekers who were unable to make a direct asylum claim at a U.S. [Port of Entry] before July 16, 2019 because of the U.S. Government’s metering policy, and who continue to seek access to the U.S. asylum process.

The Court later issued another order requiring the U.S. government to (1) identify potential PI class members, (2) provide identified class members who are in DHS custody or are in administrative immigration proceedings with notice of the PI, and (3) reopen or reconsider past decisions where potential PI class members were found ineligible for asylum because of the third-country transit rule.

Under these court orders, if you are a PI Class Member, the government cannot apply the third-country transit rule to your asylum claim. If you are a PI Class Member, and the government applied the third-country transit rule to your asylum claim, then you may be entitled to have your case reopened or reconsidered.

What is “metering?”

The U.S. government uses metering to manage the flow of noncitizens without entry documents into land ports of entry on the U.S.-Mexico border. You may have been subject to metering if:

- You approached a land port of entry on the U.S.-Mexico border, and were told you had to wait to enter the United States, or that the port did not have capacity to process you;
- OR
- You registered or placed your name on a waitlist in Mexico (or tried to do so) after you arrived at a border town near the U.S.-Mexico border.

What is the “third-country transit rule?”

The U.S. government implemented the “third-country transit rule” on July 16, 2019. The “third-country transit rule” stated that, absent some exceptions, a person is not eligible for asylum if he or she (1) is from a country other than Mexico; (2) did not seek asylum or other legal protection in Mexico or another country through which he or she traveled on his or her way to the United States; and (3) entered the United States through the U.S.-Mexico land border on or after July 16, 2019.

QUESTIONS? For questions about your PI Class Membership Screening, contact the asylum office listed in the attached Notice of Interview. For other questions relating to *Al Otro Lado v. Mayorkas*, you may e-mail Class Counsel at MeteringClass@splcenter.org.

WHY AM I RECEIVING THIS NOTICE, & WHAT HAPPENS NEXT?

You are receiving this Notice because U.S. government records indicate that: (1) you *may be* a PI Class Member; (2) the U.S. government applied the “third-country transit rule” to your immigration case; (3) you were ordered removed from the U.S. under an “expedited removal order”; and (4) you currently reside in the United States.

If you are receiving this notice and you are still in the United States, U.S. Citizenship and Immigration Services (USCIS) will conduct an in-person PI Class Membership Screening (unless you have already received such a screening). A Notice of Interview that requests you to appear for the screening before a USCIS asylum officer is attached to this notice. If you have departed the United States but would still like to pursue asylum in the U.S. and would like to be screened for PI Class Membership because you believe the U.S. government applied the third-country transit rule to your immigration case, you should: (1) contact Class Counsel at MeteringClass@splcenter.org; and (2) update your address/contact information with the asylum office listed in the attached Notice of Interview.

This notice is not a determination of PI class membership.

At the screening, the asylum officer will ask you questions to determine whether you were subject to metering before July 16, 2019. You may also submit evidence of PI Class Membership to the asylum officer in accordance with your interview instructions. Such evidence could include, but is not limited to, documents showing the dates of your travels to and stays in Mexico, documentation regarding placement of your name on a waitlist, and declarations or affidavits regarding whether you may have been subject to metering before July 16, 2019.

USCIS will schedule you for a new Credible Fear interview if it determines you are more likely than not a class member.

AM I A PI CLASS MEMBER?

<input checked="" type="checkbox"/> You ARE a PI class member if you:	<input checked="" type="checkbox"/> You ARE NOT a PI class member if you:
<input checked="" type="checkbox"/> Are not a citizen or national of Mexico;	<input checked="" type="checkbox"/> Are a Mexican citizen or national;
<input checked="" type="checkbox"/> Were subject to “metering” before July 16, 2019;	<input checked="" type="checkbox"/> Were not physically present at or near the U.S.-Mexico border before July 16, 2019;
<input checked="" type="checkbox"/> Did not cross the U.S.-Mexico border to enter the U.S. until <u>on or after</u> July 16, 2019; and	<input checked="" type="checkbox"/> Most recently entered the United States before July 16, 2019; or
<input checked="" type="checkbox"/> You sought asylum or claimed fear and would still like to pursue asylum in the U.S.	<input checked="" type="checkbox"/> Have already been granted asylum in the U.S.

HOW DO I GET MORE INFORMATION?

If you have specific questions about your PI Class Membership Screening interview, you can contact your immigration attorney, or the asylum office listed in the attached Notice of Interview.

You may obtain other information about the *Al Otro Lado* lawsuit and the Preliminary Injunction by emailing the lawyers who represent PI class members (Class Counsel) at: MeteringClass@splcenter.org. Class Counsel do not represent individual asylum seekers in their cases before the government. You have the right to contact a separate legal representative of your choice at no expense to the government.

To obtain translations of this notice in additional languages, you may visit: <https://www.americanimmigrationcouncil.org/content/metering-notices>.

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