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O'Melveny Files Challenge to "Temporary Protected Status" Terminations

February 07, 2019

FOR IMMEDIATE RELEASE

LOS ANGELES—February 7, 2019—Working on behalf of the City and County of Los Angeles among other jurisdictions across the country, O'Melveny filed an amicus brief today in the Ninth Circuit Court of Appeals urging the court to uphold a California judge's decision blocking the Trump administration from terminating Temporary Protected Status for immigrants from four countries.

A total of six counties and 31 cities in 20 states home to Temporary Protected Status (TPS) recipients at risk have joined the amicus brief.

Congress created the TPS program to protect immigrants who cannot return safely to their home country because of armed conflict, natural disaster, or other extraordinary circumstances. In late 2017 and early 2018, the administration announced the termination of TPS designations for El Salvador, Haiti, Nicaragua, and Sudan, leaving the future of more than 300,000 immigrants hanging in doubt.

In a January 9, 2018 motion, the Los Angeles County Board of Supervisors observed that TPS recipients "have raised families, established businesses, and rebuilt their lives in the United States," such that the administration's termination of the protection would "tear families apart and upend the lives" of the thousands of TPS recipients in the county.

In its brief filed with the Ninth Circuit, O'Melveny argued the administration's ill-advised policy change was arbitrary and capricious and violates the

Administrative Procedure Act. The brief also argues that although the sudden change in the administration's approach to TPS designations was never explained, statements by administration officials, including the president, make clear that the decision was motivated by racial animus.

The O'Melveny team behind the brief includes partners Maggie Carter and Daniel Suvor, and associates Daniel Tully, Mary Pat Dwyer, and Kimberly Cullen.

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