

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAKE THE ROAD NEW YORK, *et al.*,

Plaintiffs,

v.

KENNETH CUCCINELLI, *et al.*,

Defendants.

Civil Action No. 19-07993 (GBD)

**RESPONSE TO COURT ORDER FOR
PROPOSED INJUNCTION**

Pursuant to the Court’s Order at the October 7, 2019 Preliminary Injunction Hearing, Defendants hereby provide a proposed injunction with respect to Plaintiff Catholic Legal Immigration Network, Inc. (“CLINIC”). In Plaintiffs’ Memorandum of Law in Support of the Motion for Preliminary Injunction, ECF No. 39, CLINIC alleges that, as an entity “providing direct legal services,” it “will have to devote additional resources to applications for adjustment as a result of the Rule, as well as represent clients in removal proceedings and conduct additional trainings.” ECF No. 39 at 37. CLINIC’s declaration further elaborates that the direct legal services it provides are to “international religious workers who pursue religious vocations with religious orders.” ECF No. 48 at 7.

As the Court is aware from prior briefing and the hearing on Plaintiffs’ Motion, Defendants disagree that any relief is necessary or appropriate in this case, including with respect to CLINIC. As Defendants have explained, if the Court were to determine that relief is warranted as to CLINIC, such relief should be tailored to remedy only the irreparable harms CLINIC has established and the scope of any relief should ensure that the balance of equities tips in favor of granting the relief. Under these standards, Defendants respectfully submit that, in the event the Court disagrees with

Defendants' position regarding the availability of relief for Plaintiff CLINIC, such relief should be described as:

“Defendants are hereby enjoined from applying the public charge rule to any of the ‘international religious workers who pursue religious vocations with religious orders’ who are clients of CLINIC, *see* ECF No. 48 at 7, provided that such a client of CLINIC submits a letter with an application to DHS identifying himself as an individual covered by the injunction, and provided that CLINIC submits to DHS, within 7 days of this Order, a point of contact for verification that such individuals are clients of CLINIC.”

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

ALEXANDER K. HAAS
Branch Director

/s/ Eric J. Soskin
KERI L. BERMAN
KUNTAL V. CHOLERA
JOSHUA M. KOLSKY
ERIC J. SOSKIN, PA Bar # 200663
Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883
Washington, D.C. 20044
eric.soskin@usdoj.gov
Attorneys for Defendants