

RAICES v. Mullin

Case Status: Open

This case challenges the Trump administration's January 2025 proclamation suspending asylum processing at the southern border. In July 2025, the D.C. District Court sided with asylum advocates, vacating the proclamation as unlawful. The government appealed. On April 24, 2026, the D.C. Circuit Court of Appeals upheld the lower court's ruling, holding the proclamation and related policy guidance unlawful.

Court and Case No.: *U.S. District Court for the District of Columbia, No. 25-cv-306*

212(F) SHUTDOWN ASYLUM AT THE BORDER

What is the government doing and why are we challenging it?

On January 20, 2025, President Trump issued several executive orders concerning immigration enforcement in the interior of the United States and at the border, including a proclamation titled “**Guaranteeing the States Protection Against Invasion.**” The proclamation invokes a provision of the Immigration and Nationality Act—Section 212(f)—to “suspend the entry” of noncitizens at the U.S. southern border. The proclamation also cites Article IV, Section 4 of the U.S. Constitution to claim that the president can override immigration laws passed by Congress in order to protect individual states from “invasion.” Through this proclamation, Trump is attempting to shut down access to asylum at the southern border, even though the law is clear that people seeking safety have the right to ask for protection. The proclamation makes no exceptions for families, survivors of human trafficking, or children.

Seeking asylum is legal. President Trump's illegal proclamation violates the Immigration and Nationality Act and several other laws passed by Congress, under which any noncitizen who is inside or arriving in the United States may legally apply for asylum. Additionally, under both domestic law and international treaties with which our government is obligated to comply, the United States may not return people to countries where they are likely to face persecution or torture. At a minimum, immigration officers must refer people who express a desire to seek asylum or a fear of return for a screening interview with an asylum officer to determine whether they may qualify for protection. The law provides certain additional protections for vulnerable children fleeing without a parent or guardian, who must have the opportunity to seek protection before an immigration judge.

Presidential authority to "suspend entry" does not override these fundamental legal protections. For more than 40 years, the government's position has been clear: section 212(f) of the Immigration and Nationality Act does not affect noncitizens' ability to apply for asylum. President Trump is trying to exploit one provision of the Act to upend the entire legal system enacted by Congress.

The proclamation is an insult to the U.S. Constitution and our government's system of checks and balances. The proclamation draws on racist and dehumanizing stereotypes to claim that there is an "invasion" at the U.S.-Mexico border, and therefore the president can claim powers under Articles II and IV to "protect" the states. But that is not true. Migration across borders is a product of the current geopolitical reality, and immigrants and refugees are people, not invading forces. Families, children, and adults who look to the United States as a beacon of hope and who try to follow the legal process to seek protection are not a threat. The United States is not at war, and no country is trying to "invade" our borders. In fact, encounters at the southern border are at their **lowest levels in many years.**

The proclamation is an unlawful power grab by the executive branch. It states that the suspension of asylum processing will remain in place "until I [President Trump] determine that the invasion has concluded." But what constitutes an "invasion" is not defined, nor are any benchmarks provided to determine when such an "invasion" has ended. President Trump claims he may unilaterally disregard laws passed by Congress and seize more power for himself. However, under our system of government, Congress passes laws, and *all of us*, including the president, are subject to those laws.

The proclamation is already having a devastating impact. The organizational plaintiffs bringing this case—RAICES, Las Americas Immigrant Advocacy Center, and the Florence Immigrant & Refugee Rights Project—provide vital legal services to people seeking asylum at the border. Their operations have been completely derailed by the proclamation. Immigration officers have told the people they serve that asylum "does not exist." Our plaintiffs have seen informational flyers about the asylum process torn down from the walls of immigration facilities. People have been deported without any opportunity to speak to a loved one, friend, or attorney and ask for help. A Nicaraguan activist seeking

protection from political repression in her home country, who lawfully presented herself at the border to seek asylum, was told that by **“order of President Trump, no one could pass through or request asylum.”** Individual plaintiffs bringing this case have been detained for months with no access to the asylum system; others have been wrongfully sent back to danger with no chance for their claims to be heard. One family was sent to Panama—a country they are not from and have no connections to—without any process or chance to present their claims for protection.

What is at stake?

Trump’s proclamation is denying people any process to seek asylum or other humanitarian protection at the southern border. The experiences of people served by our organizational plaintiffs underscore the cruelty and illegality of the proclamation. People who have valid claims for protection—and who have the right to a fair process under our laws—are instead being mistreated in immigration custody and rapidly and wrongfully deported back to danger. And even people who pass a heightened screening standard, proving that they are eligible for protection under the Convention against Torture, have been threatened with removal to third countries.

What’s the status of this case?

CGRS and our co-counsel filed this legal challenge in the U.S. District Court for the District of Columbia on February 3, 2025. We asked the court to declare the proclamation unlawful and stop the government from implementing it, so that people seeking asylum at our borders are able to fairly present their claims for protection, as required under our law.

The court heard oral argument on the parties’ cross-motions for summary judgment on April 29, 2025.

On July 2, 2025, the D.C. District Court vacated the proclamation as unlawful and enjoined the government from implementing it.

The government appealed and sought a stay of the District Court’s decision, and the Court of Appeals for the District of Columbia Circuit entered an administrative stay. On August 1, 2025, the Court of Appeals issued its opinion on the government’s request for a stay. The Court granted the request in part and denied it in part, determining that access to withholding of removal and CAT protection are mandatory, but granting a stay as to the District Court’s decision on access to asylum. Under the current stay decision, people seeking asylum at the border do not have access to asylum, but their claims must be considered for withholding and CAT protection.

On November 3, 2025, the D.C. Circuit heard oral argument on the merits of the appeal. On April 24, 2026, the D.C. Circuit Court of Appeals upheld the district court's grant of summary judgment in favor of the plaintiffs, holding the Proclamation and related guidance unlawful insofar as they supplant the INA's removal framework with extra-statutory procedures that block noncitizens from seeking asylum and other protection. On June 8, 2026, the government filed a petition for rehearing en banc. The plaintiffs filed a brief opposing rehearing on July 2, 2026.

Who's involved?

CGRS is co-counsel, along with the ACLU Immigrants' Rights Project, the National Immigrant Justice Center, the Texas Civil Rights Project, the ACLU of Texas, the ACLU of the District of Columbia, and other partners.

We represent three organizational plaintiffs working at the border that serve people seeking asylum: [RAICES](#), [Las Americas Immigrant Advocacy Center](#), and the [Florence Immigrant & Refugee Rights Project](#). We also represent several individual plaintiffs who have been harmed by the 212(f) proclamation.

How can you help?

Please [contact](#) your Senators and members of Congress to make your voice heard and remind them that President Trump does not have the authority to disregard our asylum laws.

You can also support CGRS's vital work on cases like this one by making a [donation](#).

Need more information?

Contact Brianna Krong, Communications and Advocacy Manager, at krongbrianna@uclawsf.edu.

Resources for Advocates

Attorneys representing clients who may be subject to restrictions on asylum eligibility can [request assistance](#) from CGRS through our Technical Assistance Library.

Press Releases

- **Federal Appeals Court Rules Trump Proclamation Eliminating Asylum is Unlawful** (April 24, 2026)
- **Tribunal federal de apelaciones declara ilegal la proclamación de Trump que elimina el asilo** (April 24, 2026)
- **Federal Court Blocks Trump Administration Efforts to Completely Shut Down Asylum at the Border** (July 2, 2025)
- **Immigrants' Rights Advocates Sue Trump Administration Over Efforts to Completely Shut Down Asylum at the Border** (February 3, 2025)

Select Media Coverage

- **"Trump administration defends order barring asylum at southern border,"** Ariana Figueroa, *News From The States*, November 3, 2025
- **"Trump's Asylum Proclamation Rejected by Court in ACLU-Led Lawsuit,"** Ava Pick, *Davis Vanguard*, July 5, 2025
- **"Trump's Order Targeting Asylum Protections Found Unlawful,"** Quinn Wilson, *Bloomberg Law News*, July 2, 2025
- **"Corte federal de EUA frena cierre de asilo en frontera,"** Lissette Mondragón, *La Prensa Gráfica*, July 2, 2025
- **"Judge temporarily bars DHS from deporting eight asylum seekers,"** Kaelan Deese, *Washington Examiner*, February 20, 2025
- **"UC Law's Refugee Center Joins Lawsuit Against Trump's Asylum Suspension Order,"** Katie DeBenedetti, *KQED*, February 4, 2025
- **"El Paso's Las Americas, migrant groups file lawsuit to stop Trump's asylum shutdown,"** Aaron Martinez, *El Paso Times*, February 3, 2025
- **"Rights Groups Sue Over Trump's 'Flagrantly Illegal' Shutdown of Asylum at Border,"** Julia Conley, *Common Dreams*, February 3, 2025
- **"Immigrant Advocates Sue Trump Admin Over Border Closure,"** Britain Eakin, *Law360*, February 3, 2025

Legal Documents

- ***Defendants' Petition for Rehearing*** - U.S. Court of Appeals, District of Columbia, June 8, 2026
- ***Merits Opinion*** - U.S. Court of Appeals, District of Columbia, April 24, 2026

- *Government's Reply Brief* - U.S. Court of Appeals, District of Columbia, September 26, 2025
- *Plaintiffs-Appellees' Answering Brief* - U.S. Court of Appeals, District of Columbia, September 9, 2025
- *Government's Opening Brief* - U.S. Court of Appeals, District of Columbia, August 22, 2025
- *Order Granting in Part and Denying in Part Government Motion for Stay Pending Appeal* - U.S. Court of Appeals, District of Columbia, August 1, 2025
- *Memorandum Opinion* - U.S. District Court, District of Columbia, July 2, 2025
- *Government Reply in Support of Motion for Summary Judgment* - U.S. District Court, District of Columbia, April 21, 2025
- *Plaintiffs' Opposition to Defendants' Motion for Summary Judgment and Reply* - U.S. District Court, District of Columbia, April 7, 2025
- *Plaintiffs' Reply in Support of Motion for Class Certification* - U.S. District Court, District of Columbia, April 7, 2025
- *Government Motion for Summary Judgment and Response* - U.S. District Court, District of Columbia, March 24, 2025
- *Government Opposition to Motion for Class Certification* - U.S. District Court, District of Columbia, March 24, 2025
- *Amended Complaint* - U.S. District Court, District of Columbia, February 19, 2025
- *Motion for a Preliminary Injunction and Plaintiffs' Memo in Support of Motion* - U.S. District Court, District of Columbia, February 19, 2025
- *Plaintiffs' Motion for Class Certification with Supporting Points and Authorities* - U.S. District Court, District of Columbia, February 19, 2025
- *Complaint* - U.S. District Court, District of Columbia, February 3, 2025