



National Immigration Litigation Alliance

Immigrant justice through the courts

Barbara McDowell Foundation Grant – Final Quarterly Report of the National Immigration Litigation Alliance

Narrative

Mansor v. USCIS is a certified nationwide class action in which Temporary Protected Status (TPS) applicants seek to enforce their statutory right to a work permit while they wait for U.S. Citizenship and Immigration Services (USCIS) to adjudicate their TPS applications. Congress enacted the TPS statute in 1991 as a form of humanitarian relief that provides temporary lawful immigration status to eligible immigrants from war-ravaged or disaster-stricken countries. Federal law requires that USCIS grant eligible TPS applicants interim work authorization while their TPS applications are pending so they can support themselves and their families. Despite this statutory guarantee, USCIS does not issue temporary work permits upon receipt of TPS applications. Instead, USCIS waits until the applications are ready for full merits adjudications before adjudicating work authorization applications. This denial of interim work authorization creates significant hardship for TPS applicants, most of whom wait for nearly a year, and sometimes longer, before USCIS approves their applications.

Plaintiffs estimate that there are tens of thousands of class members. Plaintiffs and class members seek declaratory relief to enforce their statutory right to work permits while they await a decision on their TPS applications. Plaintiffs and the certified class are represented by the National Immigration Litigation Alliance (NILA), Northwest Immigrant Rights Project (NWIRP), and Kurzban, Kurzban, Tetzeli & Pratt, P.A. Defendants are represented by Department of Justice attorneys.

After the case was filed, Defendant USCIS implemented a new system which automates part of the process for adjudicating interim work authorization. Because this new system still does not ensure that applicants receive timely interim work authorities, Plaintiffs moved for summary judgment in December 2024, arguing that USCIS violates their rights under the TPS statute, regulations, and the Constitution by failing to issue TPS applicants temporary work authorization documentation upon receipt of a TPS application. Defendants then filed a cross-motion for summary judgment, which Plaintiffs opposed.

Before the district court could set oral argument or issued a decision on the summary judgment motions and after the new administration took office, Defendants submitted a Notice of Administrative Action, explaining that USCIS had paused its new review process

for temporary work authorization documentation for TPS applicants, purportedly to review the sufficiency of the background checks used in the process in the wake of Presidential Executive Orders. The District Court then stayed further action in the case pending completion of this review.

Defendants finally completed their review in July 2025, and the summary judgment motions were re-noted on the docket as ripe for a decision. However, in August 2025, Defendants filed yet another notice indicating that several changes had been made to the new automated system for processing applications, which had been adopted in response to this lawsuit. These included that applications from individuals from several TPS-designated countries would not be processed under the automated system but instead handled under the procedure in place at the onset of the litigation. The parties then jointly proposed that, rather than withdrawing and re-briefing their pending cross motions for summary judgment, they each submit supplemental memoranda regarding the impact Defendants' changes will have on their respective summary judgment arguments. The parties completed briefing on these supplemental memoranda in late September. The case is now ready for the District Court to rule.

Timesheets

Time sheets from NILA accompany this Year-End report, billing \$3,060.70. As indicated by those timesheets, as well as the timesheets for the earlier quarters from NILA, total billing on the case is \$66,897.20. This amount exceeds the amount of the award.