

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

\_\_\_\_\_  
WANRONG LIN )  
45142 Settlers Lane, California, )  
Maryland, 20619 )

and )

HUI FANG DONG, )  
45142 Settlers Lane, California, )  
Maryland, 20619 )

Plaintiffs-Petitioners, )

v. )

KIRSTJEN NIELSEN, Secretary, )  
Department of Homeland Security )  
Secretary of Homeland Security )  
Washington, D.C. 20528 )

and )

RONALD D. VITIELLO, Acting )  
Director, Immigration and Customs )  
Enforcement )  
500 12th St, SW )  
Washington, D.C. 20536 )

and )

DOROTHY HERRERA-NILES, Director )  
Maryland Field Office of ICE )  
Enforcement and Removal Operations )  
31 Hopkins Plaza 7th Floor )  
Baltimore, MD, 21201 )

and )

TERRY KOKOLIS, )  
Superintendent, Anne Arundel County )  
Detention Facilities, )  
600 East Ordnance Road )  
Glen Burnie, MD 21060 )

Civil No. \_\_\_\_\_

Defendants-Respondents.

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)  
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)

**COMPLAINT AND PETITION FOR A WRIT OF HABEAS CORPUS**

**INTRODUCTION**

1. This civil rights action challenges a policy or practice of immigration officials under the current administration of unlawfully separating families by detaining and deporting noncitizens who, pursuant to federal regulations, have properly applied to obtain legal status by virtue of their lawful marriage to American citizens. In 2013, the federal government enacted rules allowing noncitizens to remain in the United States while they seek legal status arising from their valid marriages, and in 2016, the government expanded those rules to allow noncitizens with deportation orders to remain in the country during the application process. Both of these changes were intended to promote family unity and to avoid the grievous consequences of forcing a spouse or parent to leave the United States for years to pursue status from their country of origin while their families remain in this country.

2. Excited by the promise of the new rules, shortly after their implementation Ms. Dong applied for the waiver that would allow Mr. Lin to remain in the United States and obtain status. After hiring an attorney to assist them with the process, completing the initial paperwork, and paying the applicable \$535.00 filing fee,<sup>1</sup> the couple waited for the process to move forward.

3. Before this could happen, however, and without notice and in direct contradiction of these family-unity regulations, immigration officials in 2018 suddenly and unlawfully

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<sup>1</sup> The I-212 Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal is an additional \$930.00 and the I-601A Application for Provisional Unlawful Presence Waiver is another \$630.00.

implemented a policy or practice of detaining and deporting noncitizens who are in the process of applying for legal status by virtue of their marriage to an American citizen. Plaintiff-Petitioner Wanrong Lin, his American citizen wife, Plaintiff-Petitioner Hui Fang Dong, and their three American-born citizen children — ages 14, 11, and 9 — are recent victims of this deplorable practice. When, on August 29, 2018 the couple appeared at a federal immigration office in Baltimore, Maryland for their long-awaited interview about their marriage and family life, the Trump Administration’s unlawful “bait and switch” practice was put into effect. At the end of the interview, the interviewer told Ms. Dong that he had additional questions for Mr. Lin. Ms. Dong was asked to step out of the room and go back to the waiting room, which she did. Shortly thereafter, their lawyer came out of the room and informed Ms. Dong that agents had seized her husband.

4. Mr. Lin is now incarcerated at the Anne Arundel County Detention Center in Glen Burnie, Maryland and faces imminent deportation to China. Ms. Dong and the children are devastated, and the trauma and hardship resulting from Mr. Lin’s sudden and unexpected detention has had acute psychological effects on both Ms. Dong and the children. Mr. Lin and Ms. Dong had no opportunity to plan for childcare or financial support, nor to prepare their children for a prolonged separation nor even to say goodbye.

5. Upon information and belief, many other American citizens — both in Maryland and elsewhere — have had their noncitizen spouses suddenly taken from them under this cruel and deceitful new policy or practice. The policy is unlawful under governing federal regulations, federal statutes, and the Due Process Clause of the United States Constitution. DHS has deliberately ignored regulations specifically designed to protect family-unity and has cruelly twisted those regulations to use as a tool to deceive the very people the regulations were

designed to protect. Law-abiding noncitizens and their US citizen families are being lured to expend significant time, money, and effort to apply for support under these family-unity regulations, which DHS has no intention of honoring. Instead, DHS is abusing these family-unity regulations as an unlawful bait-and-switch to break up families.

6. Plaintiff-Petitioners seek immediate relief staying the deportation of Mr. Lin and ordering his release from detention. They also seek an order invalidating the policy.

### **JURISDICTION AND VENUE**

7. This Court has subject matter jurisdiction under Art. I, § 9, cl. 2 of the United States Constitution (Suspension Clause); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 2201 (Declaratory Judgment Act); 28 U.S.C. § 2241 (habeas corpus).

8. Venue is proper in the District of Maryland under 28 U.S.C. § 1391(c)(1) because Plaintiffs Mr. Lin and Ms. Dong are domiciled in California, Maryland, which is in St. Mary's County.

### **PARTIES**

9. Plaintiff-Petitioner Wanrong Lin is a citizen of the Republic of China, who has been in the Defendant-Respondents' custody since August 29, 2018 and is now held in immigration detention at the Anne Arundel County Detention Center in Glen Burnie, Maryland.

10. Plaintiff-Petitioner Hui Fang Dong is a U.S. citizen who resides at 45142 Settlers Lane, in California, Maryland. She is the wife of Plaintiff-Petitioner Wanrong Lin.

11. Defendant-Respondent Kirstjen M. Nielsen is the Secretary of Homeland Security, the department of the federal government responsible for the enforcement of immigration laws. Secretary Nielsen is the ultimate legal custodian of Mr. Lin. She is sued in her

official capacity.

12. Defendant-Respondent Ronald D. Vitiello is the Acting Director for ICE, the department of DHS responsible for apprehending, detaining, and removing Mr. Lin. Acting Director Vitiello is a legal custodian of Mr. Lin. He is sued in his official capacity.

13. Defendant-Respondent Dorothy Herrera-Niles is the Field Office Director for the ICE-ERO Maryland Field Office. She is the immediate legal custodian of Mr. Lin. She is sued in her official capacity.

14. Defendant-Respondent Terry Kokolis is the superintendent of the Anne Arundel County Detention Center in Glen Burnie, Maryland. He is Mr. Lin's immediate custodian. He is sued in his official capacity.

### **LEGAL BACKGROUND**

15. The noncitizen spouses of U.S. citizens are eligible to become lawful permanent residents of the United States despite previously having been ordered removed, but to do so, they need to leave the country in order to apply for an immigrant visa at a U.S. consulate abroad—a procedure known as consular processing.

16. Departure from the United States can trigger several grounds of inadmissibility. 8 U.S.C. 1182(a). Two of the most common apply to anyone who has left the U.S. after spending over a year here without authorization, 8 U.S.C. § 1182(a)(9)(B)(i)(II), and anyone who has been ordered removed. 8 U.S.C. § 1182(a)(9)(A). Both of these grounds of inadmissibility require that a person who has left the United States remain abroad for ten years prior to returning—unless the ground of inadmissibility is waived. *See* 8 U.S.C. § 1182(a)(9)(B)(v) (waiver of inadmissibility for unlawful presence if separation from U.S.-citizen or LPR spouse or parent will cause that person extreme hardship); 8 U.S.C. § 1182(a)(9)(A)(iii) (waiver of inadmissibility for prior

removal order if applicant obtains consent to reapply for admission). But the process of applying for a waiver of inadmissibility is unpredictable and can require a wait of months or years, during which time a non-U.S. citizen spouse who has left the country must remain abroad and separate from his or her family.

17. Prior to 2013, the unpredictability of this process and long wait time outside the country deterred many noncitizen spouses from leaving the U.S. to become permanent residents. *See Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives, Proposed Rule*, 77 Fed. Reg. 19902, 19906 (Apr. 2, 2012) (“many immediate relatives who may qualify for an immigrant visa are reluctant to proceed abroad to seek an immigrant visa”). For those who did depart, the long wait times abroad often caused their U.S.-citizen family members precisely the type of hardship that the waivers were intended to avoid. *Id.*

18. In 2013, USCIS addressed this problem by promulgating regulations that made it possible for the spouses of U.S. citizens who had been present in the U.S. without authorization to apply for a waiver of inadmissibility for unlawful presence *prior* to leaving the U.S. to consular process. This application is known as a “stateside” waiver. In 2016, the agency expanded the stateside waiver process to make it available to noncitizens with final orders of removal—like Mr. Lin. *See Expansion of Provisional Unlawful Presence Waivers of Inadmissibility; Final Rule*, 81 Fed. Reg. 50244, 50245 (July 29, 2016). Both regulations were promulgated through notice and comment.

19. The purpose of these amendments to federal regulations was to encourage people who would otherwise be reluctant to pursue lawful status outside the U.S. to do so and to promote family unity during the process. *Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives; Final Rule*, 78 Fed. Reg. 536-01 (Jan. 3, 2013); 81 Fed. Reg. at

5024-01 (expansion of waiver program will “reduce[] separation time among family members” and bring about “humanitarian and emotional benefits derived from reduced separation of families”). By permitting noncitizens to obtain waivers in the U.S. prior to departing, the regulations reduced the time that a noncitizen spouse would have to spend outside the U.S. and separated from their family from months or years to a few weeks and reduced “the financial and emotional impact on the U.S. citizen and his or her family due to the [noncitizen] immediate relative's absence from the United States.” 77 Fed. Reg. at 19907; *see also* 81 Fed. Reg. at 50245-46. This would “encourage individuals to take affirmative steps” to obtain lawful status that they might not otherwise take, 77 Fed. Reg. at 19902-01, including an estimated 100,000 people who like Mr. Lin became eligible for the provisional waiver process only after it was expanded in 2016. 81 Fed. Reg. at 50244.

20. USCIS's Field Manual states, "As a general rule, any alien who appears for an interview before a USCIS officer in connection with an application or petition seeking benefits under the Act shall *not* be arrested during the course of the interview, even though the alien may be in the United States illegally." USCIS Field Manual § 15.1(c)(2) (emphasis added).

#### **STATESIDE WAIVER PROCESS**

21. For noncitizen spouses with an outstanding order of removal, the process to obtain a stateside waiver now has five parts.

22. First, the U.S.-citizen or Lawful Permanent Resident spouse files a Form I-130, Petition for Alien Relative, which requires establishing that the petitioner and beneficiary have a bona fide relationship. USCIS may require an appearance at an interview to determine this.

23. Second, once the I-130 is approved, the noncitizen spouse files a Form I-212, Permission to Reapply for Admission into the United States After Deportation or Removal.

As amended in 2016, the regulations governing this waiver state that it can be conditionally approved for a person with a removal order prior to that person's departure from the U.S. 8 C.F.R. § 212.2(j); 2016 Final Rule, 81 Fed. Reg. at 50262. An I-212 application filed as part of the stateside waiver process is adjudicated by the local USCIS field office, which usually takes several months.

24. Third, once a Form I-212 is conditionally approved, a noncitizen spouse applies for a provisional unlawful presence waiver using Form I-601A, Application for Provisional Unlawful Presence Waiver. 8 C.F.R. § 212.7(e)(4)(iv) (establishing eligibility of a person with a removal order who “has already filed and USCIS has already granted... an application for consent to reapply for admission”). This application also takes several months to adjudicate.

25. Fourth, once the noncitizen obtains a provisional unlawful presence waiver, he or she must go abroad to appear for an immigrant visa interview at a U.S. consulate. 8 C.F.R. § 212.7(e)(3)(v). The departure from the U.S. executes the prior removal order. 8 U.S.C. § 1101(g); 8 C.F.R. § 1241.7. After the interview, if the Department of State determines no other ground of inadmissibility applies, it may issue an immigrant visa.

26. Fifth, the noncitizen may travel to the United States with his or her immigrant visa. Upon admission to the United States, the noncitizen becomes a lawful permanent resident.

27. In sum, these regulations allow an otherwise eligible individual who is the spouse of a U.S. citizen or Lawful Permanent Resident and who lives in the U.S. unlawfully and with a final order of removal to 1) come forward voluntarily; 2) undergo the provisional waiver process; 3) if all the requirements are met and the waivers granted, to depart the country to obtain an immigrant visa once the grounds of inadmissibility that departure will trigger have been waived.

#### **SPECIFIC FACTS**



28. The petitioners-plaintiffs, Wanrong Lin and Hui Fang Dong, are a married couple who have known each other since they were children in The People's Republic of China, but began dating in 2002 when they both lived in New York. They have been married since May, 2004 and have three children together: Their first daughter, Sophia Lin, was born on July 24, 2004; their second daughter, Nancy Lin, was born on March 11, 2007 and their son, Matthew Lin, was born on June 4, 2009. The family resides in California, Maryland, which is in St. Mary's County.

29. Ms. Dong became a naturalized U.S. citizen on February 24, 2004. Mr. Lin is a citizen of the Republic of China who has had a removal order from the U.S. after his request for asylum or other relief was denied on March 10, 2008, and his appeal was denied on November 20, 2009. Mr. Lin subsequently attempted to have his case reopened and to obtain lawful residency in the United States, efforts which culminated with the plaintiff-petitioners' pursuit of the provisional waiver process in 2016.

30. Ms. Dong runs and Mr. Lin was, until his detention, the head cook at their family-owned and operated restaurant, Hong Kong III, located in California, Maryland. Mr. Lin has no criminal record since he entered the U.S. in 1994. He has consistently worked and paid taxes in the United States.

31. Mr. Lin and Ms. Dong began the provisional waiver process in 2016 based on the understanding and belief that it would allow Mr. Lin to waive his unlawful presence in the U.S. and ultimately depart the country for only a few weeks before returning with his residency. The couple were previously discouraged to pursue consular processing without the stateside provisional waiver because doing so would require Mr. Lin to spend a long period separated from his family. But after learning of the waiver process, Mr. Lin and Ms. Dong were

assured by their then-attorney that the waiver process would enable Mr. Lin to consular process after only brief a departure from the U.S.

32. Mr. Lin and Ms. Dong were scheduled for an interview on their I-130 application at the USCIS-Baltimore Field Office, located at 3701 Koppers Street, in Baltimore, Maryland, on August 29, 2018. The interview notice and USCIS's own guidance and procedures indicated that the interview was solely to confirm the bona fides of the couple's marriage. Mr. Lin and Ms. Dong attended the interview with their attorney on August 29, and at the conclusion of their interview, the interviewer approved the I-130 petition and gave Mr. Lin and Ms. Dong a handwritten approval of the I-130 petition and told them a more formal approval would be sent in the mail. The interviewer then asked Ms. Dong to remain in the waiting area while her husband was taken to another room for further questioning—which she understood to be part of verifying the legitimacy of their marriage. Ms. Dong was escorted out of the interview room to join her children and parents in the waiting room. Shortly thereafter, their lawyer came out of the room and informed Ms. Dong that ICE agents had seized her husband. Mr. Lin was put in handcuffs, and then transported to Anne Arundel County Detention Center to be held until his deportation, without even the opportunity to say goodbye to his family.

33. Mr. Lin has been detained at the Anne Arundel County Detention Center in Glen Burnie, Maryland since he was arrested at his I-130 interview on August 29, 2018. Ms. Dong and their children have only been able to visit Mr. Lin at the detention center twice, and then allowed to speak to him only through a glass window.

34. Even though the couple's I-130 was approved by USCIS before Mr. Lin was detained, ICE has refused to release Mr. Lin, and the agency remains intent on deporting him to China.

35. Mr. Lin's detention and impending deportation have caused his wife and children significant and ongoing harm. Ms. Dong tries to visit Mr. Lin on Saturdays with the children but the drive is almost two hours each way and has only had the opportunity to go twice, the last time on October 13th. Because the detention center is so far away, she and her husband have to speak over the phone at night after their restaurant closes. Usually the children are asleep and do not have a chance to speak with him.

36. Ms. Dong is sad, anxious and unable to sleep. Following Mr. Lin's detention, she has been diagnosed with a depressive disorder, has had suicidal thoughts and depends on sleeping pills in order to sleep. Before Mr. Lin was arrested, the two worked at the family-owned restaurant that she and Mr. Lin operated together. Although the restaurant was open seven days a week, Mr. Lin's presence made it possible for Ms. Dong to be home when the children returned from school and to be with them in the evenings. Since his arrest, she has to operate the restaurant on her own, spends less time with her children and is considering selling the restaurant.

37. The couple's eldest daughter, 14-year-old Sophia Lin, has become more and more withdrawn. Because only one parent is now present, she has had to forego after-school activities and is often called upon to care for her younger siblings. Sophia has not been eating lately, and told her mother that she "wants to die." She has also said she does not want to go to school because she is afraid that her mother will be taken away while she is in school. Formerly reserved and quiet, she now sometimes screams at her sister and brother. Sophia has been diagnosed with an Adjustment Disorder with depressed mood. Ms. Dong is worried that Sophia, who entered high school in September of this year, will make poor life choices as a result of her father's detention and pending deportation.

38. The couple's middle child, 12-year-old Nancy Lin, has also undergone a significant change in behavior since Mr. Lin was detained. Normally a happy child, she has become increasingly silent and withdrawn. She is confused about where her father is and does not understand what has happened to her family.

39. The couple's youngest child, nine-year-old Matthew, has been acting out with anger and having academic problems since his father's jailing. He is hard to control without his father in the home. He can no longer sleep on his own and now sleeps with Ms. Dong. All of the children were very close to their father and spent a great deal of time playing with him, making his absence a profound loss for the Lin family.

40. The trauma and hardship resulting from Mr. Lin's detention were heightened by the extremely sudden and unexpected nature of his detention. The couple had no opportunity to plan for childcare or financial support, nor to prepare their children for a prolonged separation or even to say goodbye.

41. Numerous other I-130 applicants with outstanding removal orders have been detained at I-130 interviews at the USCIS office in Baltimore and USCIS Field Offices around the country since April 2018. *See, e.g., You v. Nielsen*, 18-cv-5392 (S.D.N.Y. June 20, 2018) (enjoining removal and ordering release of petitioner detained at his I-130 interview); *Martinez v. Nielsen*, 18-10963 (D. of New Jersey, September 14, 2018) (granting TRO and ordering defendants to release petitioner-plaintiff and stay his removal until "he completes the process of obtaining a unlawful presence waiver"); *Calderon v. Nielsen*, 18-10225-MLW (D. Mass. September 21, 2018) (referring to April 13, 2018 order prohibiting ICE from removing any of the named petitioners from Massachusetts while the case was pending and denying respondents' motion to dismiss).

42. Mr. Lin is facing imminent removal. ICE has sent him a Notice of Imminent Removal, announcing that the government is in possession of a travel document to effect his removal to China and that he will be removed from the U.S. sometime in November, 2018, meaning that he may be deported at any moment unless his removal is stayed.

### **CAUSES OF ACTION**

#### **FIRST CLAIM VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT AND APPLICABLE REGULATIONS**

43. Plaintiffs-petitioners repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

44. The Defendant-Respondents' detention and removal of Mr. Lin from the U.S. without allowing him to complete the provisional waiver process will violate the Immigration and Nationality Act and the applicable regulations.

45. Through Defendant-Respondents' actions, Mr. Lin is unable to benefit from the regulations that outline how noncitizens with removal orders may become legal permanent residents through a "stateside" waiver process.

46. Through Defendant-Respondents' actions, Ms. Dong's I-130 petition on behalf of her husband and the approval of that petition is meaningless because the benefit of having her husband with her during the "stateside" waiver process is frustrated by Defendant-Respondents' actions.

#### **SECOND CLAIM AS TO MR. LIN'S REMOVAL FROM THE U.S. - VIOLATION OF THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION**

47. Plaintiffs-petitioners repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

48. The Defendant-Respondents' removal of Mr. Lin from the U.S. will violate the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution.

49. Mr. Lin was detained and is under imminent threat of removal as a direct result of Defendant-Respondents' deliberate actions of violating their own regulations in a bait-and-switch operation, luring Mr. Lin to the USCIS Office and snatching him with no justifiable reason for detention.

50. Defendant-Respondents used Ms. Dong in their bait-and-switch operation by exploiting her I-130 petition for her husband to set a date for Defendant-Respondents to separate the Lin family.

### **THIRD CLAIM**

#### **AS TO MR. LIN'S REMOVAL FROM THE U.S. - VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT**

51. Plaintiffs-petitioners repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

52. The Defendant-Respondents' removal of Mr. Lin from the U.S. will violate the Administrative Procedure Act's prohibition on agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

### **FOURTH CLAIM**

#### **REMOVAL FROM THE U.S. - VIOLATION OF THE SUSPENSION CLAUSE ARTICLE I § 9 CLAUSE 2 OF THE U.S. CONSTITUTION**

53. Plaintiffs-petitioners repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

54. The Defendant-Respondents' removal of Mr. Lin without any opportunity for meaningful judicial review of the unlawfulness of that removal would violate the Suspension Clause, Article I § 9 Clause 2 of the U.S. Constitution.

55. Mr. Lin was detained and is being held in the federal government's custody in immigration detention at the Anne Arundel County Detention Center. His detention and removal would be the final culmination of the unlawful bait-and-switch practice that ICE is engaged in out of its Baltimore ERO office.

**FIFTH CLAIM**

**AS TO MR. LIN'S DETENTION - VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT AND APPLICABLE REGULATIONS**

56. Plaintiffs-petitioners repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

57. The Defendant-Respondents' detention of Mr. Lin violates the Immigration and Nationality Act and the applicable regulations.

58. There is no lawful reason for Defendant-Respondents to detain or continue detaining Mr. Lin as he is neither a flight risk nor a public safety risk. He has been separated from his family in complete contradiction to the purpose and intention of the regulations that Defendant-Respondents have violated.

59. Ms. Dong and the rest of the Lin family continue to suffer while Mr. Lin is being held in detention, in complete contradiction to the purpose of the regulations.

**SIXTH CLAIM**

**AS TO MR. LIN'S DETENTION - VIOLATION OF THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION**

60. Plaintiffs-petitioners repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

61. The Defendant-Respondents' detention of Mr. Lin violates the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution.

62. Mr. Lin was stolen from his family, detained without process or forum to

challenge his detention, and has been sitting in immigration jail for 82 days at no fault of his own.

63. Ms. Dong struggles to maintain life with three kids and owning a family restaurant, but despite her best efforts, Mr. Lin's absence has left a profound depression on the Lin family because of Defendant-Respondents' family separation policies and practices.

**PRAYER FOR RELIEF**

WHEREFORE Plaintiff-Petitioners Wanrong Lin and Hui Fang Dong respectfully request that the Court:

- A. Assume jurisdiction over this matter;
- B. Temporarily, preliminarily, and permanently enjoin the removal of Mr. Lin from the U.S. and from the jurisdiction of the ICE-ERO Maryland Field Office while he is pursuing legalization by way of the provisional waiver process;
- C. Order Mr. Lin's immediate release from custody or, in the alternative, require the government to provide him with a prompt bond hearing;
- D. Declare that the Defendant-Respondents' policy and practice of subjecting noncitizens who undertake the initial step towards a provisional waiver to detention or removal on the basis of a final order of removal and thereby denying them the ability to avail themselves of the provisional waiver process is contrary to law;
- E. Vacate the Defendant-Respondents' policy and practice of subjecting noncitizens who undertake the initial step towards a provisional waiver to detention or removal;
- F. Award attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d) and 5 U.S.C. § 504, if applicable; and
- G. Grant any further relief that the Court deems just and proper.



Dated: November 19, 2018  
Baltimore, MD

Respectfully Submitted,

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Nicholas T. Steiner, Esq. (Bar No. 19670)  
David Rocah, Esq. (Bar No. 27315)  
**AMERICAN CIVIL LIBERTIES UNION OF  
MARYLAND FOUNDATION**  
3600 Clipper Mill Road, Suite 350  
Baltimore, MD 21211  
Telephone: (410) 889-8550  
steiner@aclu-md.org  
rocah@aclu-md.org

Maria E. Rodriguez, Esq.  
Nathaniel S. Berry, Esq.  
**VENABLE LLP**  
750 E. Pratt Street, Suite 900  
Baltimore, MD 21202  
Telephone: (410) 244-7400  
Facsimile: (410) 244-7742  
merodriguez@venable.com  
nsberry@venable.com