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# AL OTRO LADO CLASS ACTION NOTICE OF PRELIMINARY INJUNCTION

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*Al Otro Lado v. Mayorkas*, Case No. 17-02366 (S.D. Cal.)

This notice provides information about the preliminary injunction orders issued by the U.S. District Court for the Southern District of California (the Court) in *Al Otro Lado v. Mayorkas*. This notice applies to noncitizens who (1) are not Mexican citizens or nationals, (2) sought to enter the United States through a land port of entry on the U.S.-Mexico border before July 16, 2019, to seek asylum (3) but, due to “metering” at the port of entry, were not able to cross the border to enter the United States until on or after July 16, 2019, and (4) would still like to pursue asylum in the United States. Such noncitizens are preliminary-injunction class members (PI Class Members) in the *Al Otro Lado* class action lawsuit, and the Court’s preliminary injunction prevents the U.S. government from applying a rule limiting asylum eligibility known as the “third-country transit rule” to their asylum claims.

## **About the Preliminary Injunction:**

*Al Otro Lado v. Mayorkas* is a lawsuit that relates to the U.S. government’s use of “metering” at land ports of entry on the U.S.-Mexico border. The Court in this lawsuit issued a Preliminary Injunction (PI) prohibiting the U.S. government from applying a rule known as the “third-country transit rule” (TCT) to certain people who were subject to “metering” before the rule took effect on July 16, 2019.

## **What is Metering?**

When metering, U.S. Customs and Border Protection controls the flow of undocumented noncitizens into land ports of entry. A noncitizen may have been subject to metering if the noncitizen approached a land port of entry on the U.S.-Mexico border, and was told to wait to enter the United States or that the port did not have capacity to process individuals. A noncitizen may also have been subject to metering if the noncitizen registered or placed their name on a waitlist in Mexico (or tried to do so) in order to enter the United States at a land port of entry after arriving at a border town near the U.S.-Mexico border.

## **What is the TCT?**

On July 16, 2019, the U.S. government implemented an interim final rule officially titled *Asylum Eligibility and Procedural Modifications*, 84 Fed. Reg. 33829, commonly referred to as the TCT. The TCT stated that, absent some exceptions, a person is not eligible for asylum if he or she (1) is from a country other than Mexico; (2) did not seek asylum or other legal protection in Mexico or another country through which he or she traveled on his or her way to the United States; and (3) entered the United States through the U.S.-Mexico land border on or after July 16, 2019.

## **Who is Covered by the Preliminary Injunction?**

You are a PI Class Member if you (1) are not a Mexican citizen or national; (2) were subject to metering before July 16, 2019; (3) entered the United States across the U.S.-Mexico land border (either through a land port of entry or between ports of entry without inspection) on or after July 16, 2019; *and* (4) you continue to seek access to the U.S. asylum process.

## **What is the Impact of the Preliminary Injunction?**

If you are a PI Class Member, the government cannot apply the TCT to your asylum claim. If you are a PI Class Member, and the government applied the TCT to your asylum claim, then you may be entitled to have your case reopened or reconsidered.

## **What Happens Next?**

If you believe you are a PI Class Member and entitled to have your case reviewed, reconsidered or reopened because the TCT was applied to your asylum claim, but you have not received a written notification regarding this case, you can contact your attorney/representative or Class Counsel

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## **HOW DO I GET MORE INFORMATION?**

You may contact your attorney or the lawyers who represent PI Class Members (Class Counsel) for more information. You or your attorney/representative may e-mail Class Counsel at: [MeteringClass@splcenter.org](mailto:MeteringClass@splcenter.org) or write to class counsel at:

Center for Gender & Refugee Studies  
Attn: AOL Class Counsel  
UC Hastings College of the Law  
200 McAllister Street  
San Francisco, CA 94102

Class Counsel do not represent individual asylum seekers in their cases before the government.