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PRESS CONTACT

Henrike Dessaulles, IRAP, hdesaulles@refugeerights.org, 646-459-3081

DISTRICT COURT SIDES WITH IRANIAN REFUGEES UNLAWFULLY DENIED ASYLUM

San Jose, CA – Yesterday, the U.S. District Court for the Northern District of California sided with plaintiffs in *Doe v. Nielsen*, which challenges the mass denials of Iranian religious minority refugees who abandoned their homes in Iran and traveled to Vienna at the invitation of the U.S. government to complete processing of their refugee applications under the Lautenberg Amendment. The denials left the refugee applicants stranded in Vienna with uncertain futures. The Court’s decision orders the government to disclose individualized reasons for the mass denials to allow plaintiffs to meaningfully request government review of these denials.

In the order, Judge Beth Labson Freeman writes: “DHS retains an enormous amount of authority and discretion to adjudicate refugee applications, but they do not have the discretion to violate the law.”

The Lautenberg Amendment facilitates the refugee admission of certain vulnerable groups, and persecuted religious minorities from Iran became eligible for the Amendment’s protections in 2004. Under this program that operates through Vienna, U.S. residents submit an application on behalf of qualified refugee applicants in Iran. Applicants then must pass an initial screening and, if successful, travel to Austria to continue the processing of their application to the United States. The program was historically successful, with nearly 100% of the applicants being processed in a few months in Austria and resettling in the United States.

However, in February 2018, nearly 90 Iranian Christians, Mandeans, and other religious minorities who had already traveled with the program received notices of denial that stated only that they were being denied “as a matter of discretion.” Many of them had been waiting for nearly a year in the hope that they would be able to reunite with family members and safely practice their religious beliefs in the United States.

The Court also granted plaintiffs’ motion for class certification for these nearly 90 individuals, who have been at risk of deportation back to Iran. Plaintiffs in the class include Iranian individuals and the U.S. family members who sponsored their applications, represented by

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Latham & Watkins LLP and the [International Refugee Assistance Project](#) (IRAP) at the Urban Justice Center.

Oral arguments in *Doe v. Nielsen* were heard on June 22, argued by Mariko Hirose, IRAP's Litigation Director, and Belinda Lee, a Latham & Watkins partner.

Mariko Hirose, Litigation Director of IRAP, said: "The U.S. government had abandoned our Iranian refugee clients in a terrible, Kafkaesque situation -- they had left their homes in Iran, sold their belongings, and traveled to Vienna with every expectation that they would soon be united with their family members in U.S., only to be told that their admission was denied 'as a matter of discretion.' We are heartened that the Court recognized that the government cannot simply violate the explicit, heightened protections that Congress gave to this group of refugees."

"Congress originally enacted the Lautenberg Amendment to shelter and safeguard vulnerable populations, so we are thrilled to see the amendment being applied in this instance, thereby ensuring that our clients can find safety and security in the United States," said **Belinda Lee, partner at Latham & Watkins**. "It's not an exaggeration to call this a victory for the rule of law."

The text of the order can be found [here](#).

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