

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IMMIGRANT ADVOCATES RESPONSE
COLLABORATIVE, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE, *et al.*,

Defendants.

No. 1:25-cv-02279

**PLAINTIFFS' MOTION FOR LEAVE TO PROCEED UNDER PSEUDONYMS AND
TO FILE SUPPORTING EXHIBITS UNDER SEAL
WITH SUPPORTING POINTS AND AUTHORITIES¹**

The Individual Plaintiffs are 12 people seeking asylum who have suffered past persecution and/or fear future persecution or torture on account of their race, religion, nationality, membership in a particular social group, or political opinion. Individual Plaintiffs ask this Court to grant them leave to proceed under pseudonyms for the following reasons: (1) the concurrently filed Complaint and subsequent pleadings will contain sensitive, personal information, including details regarding trauma they suffered, their persecutors, their immediate family members, and their current whereabouts; (2) Individual Plaintiffs are at risk of harm in their countries of origin; (3) Individual Plaintiffs face imminent removal from the United States to their countries of origin or to a third country, or have already been removed from the United States; (4) Individual Plaintiffs fear that, should their identities and personal information become public, they would likely become victims

¹ Pursuant to Local Civil Rule 7(m), Plaintiffs' counsel requested the position of Defendants' counsel on this motion on Wednesday, July 15, 2025. Defendants did not respond to Plaintiffs request.

of retributive violence in their countries of origin and/or in a third country; (5) Individual Plaintiffs fear that, should their identities and personal information become public, their family members could become victims of retributive violence. For these reasons, Individual Plaintiffs respectfully request leave to proceed pseudonymously.

Plaintiffs also respectfully move this Court for leave to file under seal Individual Plaintiffs' declarations in support of this motion, *see* attached Exhibits 1–12 which contain their full names and sensitive, personal information about their asylum claims. These declarations will be provided to Defendants.

I. The Use of Pseudonyms Is Justified.

While the general rule is that complaints state the names of the parties, *see* Fed. R. Civ. P. 10(1), this Court has the discretion to allow a plaintiff to proceed pseudonymously. *See United States v. Microsoft Corp.*, 56 F.3d 1448, 1464 (D.C. Cir. 1995). Courts may permit the use of pseudonyms when “the impact of the plaintiff’s anonymity” outweighs “the public interest in open proceedings and on fairness to the defendant.” *Nat’l Ass’n of Waterfront Employers v. Chao*, 587 F. Supp. 2d 90, 99 (D.D.C. 2008); *see also Qualls v. Rumsfeld*, 228 F.R.D. 8, 10 (D.D.C. 2005). At the time of filing, plaintiffs need only make a “colorable argument in support of the request.” *Qualls*, 228 F.R.D. at 10. When examining such requests, courts look to: (1) whether the plaintiff’s request is intended “to preserve privacy in a matter of a sensitive and highly personal nature”; (2) whether the plaintiff has a reasonable expectation of “physical or mental harm” if not permitted to proceed pseudonymously; (3) whether the plaintiff is a minor; (4) whether the defendant is the government; and (5) the type of prejudice the defendant might experience if the plaintiff proceeds pseudonymously. *Chao*, 587 F. Supp. 2d at 99; *see also United States v. Hubbard*, 650 F.2d 293, 317-21 (D.C. Cir. 1980) (setting forth a balancing test that compares, *inter alia*, “the strength of

the . . . property and privacy interests” involved with the “possibility of prejudice” to those opposing disclosure). Courts in this district have exercised broad discretion to “allow plaintiffs to proceed under a pseudonym in cases involving matters of a sensitive and highly personal nature.” *Doe v. Cabrera*, 307 F.R.D. 1, 4 (D.D.C. 2014) (citing *Chao*, 587 F. Supp. 2d at 99); *see also Yaman v. U.S. Dep’t of State*, 786 F. Supp. 2d 148, 152-53 (D.D.C. 2011); *Doe v. Von Eschenbach*, No. 06-2131, 2007 WL 1848013, at *2 (D.D.C. June 27, 2007).

A. Individual Plaintiffs’ Claims Are Sensitive and Highly Personal, and Public Disclosure Could Result in Physical or Mental Harm to Them and Their Families.

Individual Plaintiffs seek to proceed under pseudonyms to protect their privacy and safety, as well as the safety of family members who remain in their countries of origin. While the public typically has an interest in “knowing the facts surrounding judicial proceedings,” this case is one in which anonymity is necessary “to preserve privacy in a matter of a sensitive and highly personal nature” and to protect Individual Plaintiffs from possible future harm. *Von Eschenbach*, 2007 WL 1848013, at *1-2.

Plaintiffs E.P., E.C., and P.D. fled Cuba because of their political opinion opposing the government. Plaintiff E.P. was shot and imprisoned prior to fleeing due to his opposition. Plaintiff E.C. was arrested and raped in custody after his opposition to the government and its practice of forced conscription. Plaintiff P.D. was arrested on multiple occasions for his opposition to the communist government. *See* Ex. 3, Dec. of E.P.; Ex. 5, Dec. of E.C.; and Ex. 6, Dec. of P.D.

Plaintiffs L.H., E.M., and J.L. fled Venezuela because of their sexual orientation and political opinion opposing the government. Plaintiff L.H. worked as a government employee and faced reprisals in that role both because she opposed the change in government and because she was outed as a lesbian. Plaintiffs J.L. and E.M. are effeminate gay men and fear harm because of

their sexual orientation. Additionally, they are both HIV-positive, and E.M. has identified a fear of harm should that status become known in Venezuela. *See* Ex. 1, Dec. of L.H.; Ex. 8, Dec. of E.M.; and Ex. 12, Dec. of J.L.

Plaintiff M.S. fled Russia after he was targeted due to his family member's involvement in the Chechen war of independence. He and members of his family have been detained and tortured in Russia, and he fears more of the same if he is forced to return. *See* Ex. 2, Dec. of M.S.

Plaintiff D.C. fled Ecuador after his family was targeted due to his religion and the practices of the family's church. Members of a powerful gang tried to recruit D.C. and his father to their efforts, and when they refused, they were attacked and badly beaten. D.C.'s father later died, and his family believes that injuries from this attack accelerated his death. D.C. and his father tried to relocate within Ecuador to avoid this harm, but those efforts were not successful. *See* Ex. 4, Dec. of D.C.

Plaintiffs K.M. and M.K. fled from Guinea and Liberia, respectively. Both experienced female genital mutilation and forced marriage. When K.M. tried to get help for the harm she endured, the police refused to help her. When M.K. tried to relocate to a different part of the country, and speak out against these traditionalist practices, she was targeted for additional violence. *See* Ex. 7, Dec. of K.M., and Ex. 9, Dec. of M.K.

Plaintiff M.D. fled Guinea because he fears forced marriage or even arrest due to his sexual orientation. His family learned of his sexual orientation when he was in Guinea, and he endured abuse as a result. Because same-sex relations are illegal in Guinea, he fears additional abuse, including imprisonment. Worse, M.D. is now married to a man, a fact that puts him in additional danger in Guinea. *See* Ex. 10, Dec. of M.D.

Plaintiff R.A. fears persecution in Ecuador due to his sexual orientation. He was harmed in that country for trying to speak out in favor of the LGBTQ community, and yet he has been deported back there without having had an opportunity to seek protection. He now fears renewed violence based on his sexual orientation. *See* Ex. 11, Dec. of R.A.

In short, this case implicates very sensitive, personal facts surrounding the persecution of Individual Plaintiffs, and “identification” of Individual Plaintiffs could “create[] a risk of retaliatory physical or mental harm.” *Qualls*, 228 F.R.D. at 10-11 (internal quotation marks and citation omitted). Indeed, if Individual Plaintiffs’ persecutors learned of their asylum claims, this lawsuit, the circumstances of their flight to the United States, or their current whereabouts, they could be placed in significant danger. *See also* U.N. High Comm’r for Refugees, *Advisory opinion on the rules of confidentiality regarding asylum information* (“UNHCR Advisory Opinion”) (Mar. 31, 2005) at 2-3, <http://www.refworld.org/docid/42b9190e4.html> (“[P]rivacy and its confidentiality requirements are especially important for an asylum-seeker, whose claim inherently supposes a fear of persecution by the authorities of the country of origin and whose situation can be jeopardized if protection of information is not ensured.”).

Federal regulations underscore the importance of confidentiality where asylum claims are implicated. Those regulations require asylum applications and records relating to credible fear interviews—including the fact that an applicant has applied for asylum or received a credible fear interview—to be kept confidential. *See* 8 C.F.R. §§ 208.6, 1208.6. Those “regulations safeguard information that, if disclosed publicly, could subject the claimant to retaliatory measures by government authorities or non-state actors in the event that the claimant is repatriated, or endanger the security of the claimant’s family members who may still be residing in the country of origin.” *Anim v. Mukasey*, 535 F.3d 243, 253 (4th Cir. 2008) (quoting USCIS Asylum Div., *Fact Sheet*:

Fed. Regulations Protecting the Confidentiality of Asylum Applicants (2005)). For the same reasons, when the Board of Immigration Appeals issues published asylum-related decisions, it routinely uses only the initials of the applicant. *See, e.g., Matter of M-H-Z*, 26 I. & N. Dec. 757 (BIA 2016).

In recognition of the powerful interest that people seeking asylum possess in maintaining their confidentiality, this court and others in this district and across the country have allowed them to proceed using pseudonyms or initials. *See, e.g., Refugee & Immigrant Ctr. for Educ. & Legal Servs. v. Noem*, No. 25-cv-306 (RDM), Dkt. 17 (D.D.C. February 20, 2025) (granting pseudonym motion); *accord Las Americas Immigrant Advoc. Ctr. v. DHS*, No. 24-cv-1702 (RC), Dkt. 60 (D.D.C. November 18, 2024); *J.G.G. v. Trump*, No. 25-cv-766 (JEB), Dkt. 117 (D.D.C. May 8, 2025); *M.A. v. Mayorkas*, No. CV 23-1843, 2023 WL 5321924 (D.D.C. July 6, 2023); *M.M.M. v. Sessions*, No. 18-cv-1759, Dkt. 2 (D.D.C. July 27, 2018); *see also N.L.A. v. Holder*, 744 F.3d 425, 428 n.1 (7th Cir. 2014); *Doe v. Holder*, 736 F.3d 871, 872 n.1 (9th Cir. 2013); *Doe v. Holder*, 651 F.3d 824, 826 (8th Cir. 2011).

B. Pseudonymity Will Not Prejudice Defendants and Will Serve the Public Interest.

Allowing Individual Plaintiffs to proceed pseudonymously is especially appropriate here because Defendants are government officials sued in their official capacity. *See, e.g., Chao*, 587 F. Supp. 2d at 99 n.9 (“[W]hen a plaintiff challenges the government or government activity, courts are more like[ly] to permit plaintiffs to proceed under a pseudonym than if an individual has been accused publicly of wrongdoing.” (alteration in original) (quoting *Yacovelli v. Moeser*, No. 02-cv-596, 2004 WL 1144183, at *8 (M.D.N.C. May 20, 2004))).

Moreover, Defendants will suffer no prejudice should Individual Plaintiffs be allowed to proceed under pseudonym. Because Defendants will know Individual Plaintiffs’ true identities,

allowing them to proceed pseudonymously would pose no “risk of unfairness to the opposing party.” *Chao*, 587 F. Supp. 2d at 99; *see also Al Otro Lado v. Nielsen*, No. 17-cv-02366, 2017 WL 6541446, at *6 (S.D. Cal Dec. 20, 2017) (finding no prejudice to government defendants who “know the Individual Plaintiffs’ names” and “have the information they need to defend against the claims”). Additionally, any public interest in disclosing Individual Plaintiffs’ identities is greatly outweighed by the significant risk of harm that such disclosure would pose to them. Finally, forcing Individual Plaintiffs to publicly expose their identities, including to their persecutors, in order to pursue litigation “creates an unnecessary risk of chilling the willingness of asylum seekers from litigating important issues like the ones raised in this case.” *Al Otro Lado*, 2017 WL 6541446, at *7. Thus, permitting Individual Plaintiffs to use pseudonyms “will serve the public’s interest in this lawsuit by enabling it to go forward.” *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1073 (9th Cir. 2000).²

II. Individual Plaintiffs Should Be Permitted to File Their Declarations in Support of This Motion Under Seal.

Although there is a presumption in favor of public access to court filings, that presumption “is not without its time-honored exceptions,” including the need to protect the “privacy . . . of victims of crimes.” *Hubbard*, 650 F.2d at 315 (citing *Nixon v. Warner Commc’ns*, 435 U.S. 589, 598 (1978)); *see also Hamen v. Islamic Republic of Iran*, No. CV 16-1394, 2018 WL 3459914, at *2 (D.D.C. July 18, 2018) (granting leave for witness to testify under seal where witness alleged

² The D.C. Circuit’s recent decision in *Doe v. Hill*, No. 24-5049, 2025 WL 1802682 (D.C. Cir. July 1, 2025), is inapposite. In *Hill*, the plaintiff “moved to proceed under a pseudonym to avoid reassociating himself” with sealed felony conviction documents. *Id.* at *1. In affirming the denial of his motion, the Court noted that “felony trials and convictions are matters of public record.” *Id.* at *3. As discussed above, asylum cases like the ones underlying this motion are not matters of public record, and federal regulations underscore the importance of confidentiality in asylum proceedings. *See* 8 C.F.R. §§ 208.6, 1208.6. Further, in *Doe* the Court emphasized that the plaintiff was bringing an as-applied constitutional challenge, which by its “very nature [...] turns upon individualized factors.” *Hill*, 2025 WL 1802682, at *4. Such concerns are not present here.

his safety would be put at risk if his testimony were made public, particularly since he had been detained in Iran once before). The D.C. Circuit has established a six-factor “*Hubbard* test” for assessing the need for privacy, requiring courts to weigh:

(1) the need for public access to the documents at issue; (2) the extent of previous public access to the documents; (3) the fact that someone has objected to disclosure, and the identity of that person; (4) the strength of any property and privacy interests asserted; (5) the possibility of prejudice to those opposing disclosure; and (6) the purposes for which the documents were introduced during the judicial proceedings.

E.E.O.C. v. Nat’l Children’s Ctr., Inc., 98 F.3d 1406, 1409 (D.C. Cir. 1996) (citing *Hubbard*, 620 F.2d at 317-22).

The relevant factors, like the related concerns governing the use of pseudonyms, weigh in favor of allowing Individual Plaintiffs to file their declarations in support of this motion under seal. Where the moving party’s “safety will be at risk” if the public is provided unrestricted access to court filings, the fourth *Hubbard* factor “weighs strongly in favor of sealing.” *Hamen*, 2018 WL 3459914, at *2. Given the significant risk of physical harm or death faced by Individual Plaintiffs—who face imminent removal to possible persecution or torture, and in the case of R.A. have already been removed—that is the case here.

The second *Hubbard* factor, “the extent of previous public access,” also weighs against disclosure because Individual Plaintiffs have not previously filed federal court documents containing their names or other sensitive details that they wish to conceal from the public record. *See Hamen*, 2018 WL 3459914, at *2. The third *Hubbard* factor, “the fact that someone has objected to disclosure, and the identity of that person,” weighs against disclosure because Individual Plaintiffs themselves object to filing unsealed declarations due to their fear for their safety and the safety of their loved ones. *Id.* And the sixth *Hubbard* factor, the “purpose of the information,” weighs against disclosure because personal details concerning Individual Plaintiffs

are not “relevant . . . to the central claims of the litigation.” *Id.* at *3 (quoting *United States v. Harris*, 204 F. Supp. 3d 310, 17-18 (D.D.C. 2016)).

The countervailing interests in complete disclosure are minimal or nonexistent. The public’s interest, if any, in knowing Individual Plaintiffs’ identities and the sensitive details of their persecution is negligible. To be sure, the issues that Plaintiffs raise in this lawsuit are important and may well be a matter of concern to the general public. Yet the public will be able to gain a comprehensive understanding of the bases of their claims for relief based on the Complaint and other public filings in this case. Defendants will not face any prejudice if this Court provides leave for Plaintiffs to file Individual Plaintiffs’ declarations in support of this motion under seal, as Defendants will have access to all information required to prepare their defense in this case.

CONCLUSION

For the foregoing reasons, Individual Plaintiffs should be permitted to proceed in this suit under their proposed pseudonyms and to file their declarations in support of this motion under seal.

Dated: July 16, 2025

Respectfully Submitted,

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