

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

COALITION FOR HUMANE IMMIGRANT  
RIGHTS, et al.,

*Plaintiffs*

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY, et al.,

*Defendants.*

Case No. 1:25-cv-00943

**DECLARATION OF SIENNA FONTAINE IN SUPPORT OF PLAINTIFFS'  
MOTION FOR A STAY OF EFFECTIVE DATES UNDER 5 U.S.C. § 705  
OR, IN THE ALTERNATIVE, PRELIMINARY INJUNCTION**

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FOR THE DISTRICT OF COLUMBIA**

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*Plaintiffs,*

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*Defendants.*

Case No.

**DECLARATION OF SIENNA FONTAINE,  
GENERAL COUNSEL,  
MAKE THE ROAD NEW YORK**

I, Sienna Fontaine, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am General Counsel of Make the Road New York (MRNY). I am slated to become a co-Executive Director of MRNY as of April 1, 2025. As part of MRNY's Executive Team, I am responsible for shaping many of MRNY's organizational priorities; overseeing our staff; and fundraising. I have worked at MRNY since 2015.

2. MRNY is a nonprofit, membership-based community organization that integrates adult and youth education, legal and survival services, and community and civic engagement, in a holistic approach to help low-income New Yorkers improve their lives and neighborhoods. MRNY

has five community centers in New York, located in Brooklyn, Queens, Staten Island, and in Suffolk and Westchester Counties.

**MRNY's Mission and Activities**

3. MRNY's mission is to build the power of immigrant and working-class communities to achieve dignity and justice.

4. MRNY provides services to thousands of individuals every year. To fulfill our mission, MRNY engages in four core strategies: the provision of legal and survival services, transformative education, community organizing, and policy innovation.

5. MRNY is a membership-based organization. Currently, we have over 28,000 members residing in New York City, Westchester County, and Long Island. Members must demonstrate a commitment to the mission of the organization and be enrolled by one of our organizers.

6. Our membership is drawn primarily from Spanish-speaking immigrant communities. Although we do not collect immigration status information for our members, our long history engaging our members in the fight for immigration reforms and supporting them in sharing their personal stories with elected officials and others has shown that many of our members are neither U.S. citizens nor Lawful Permanent Residents. MRNY's membership includes U.S. citizens and noncitizens alike, many of whom belong to mixed-status families—that is, families consisting of both individuals with U.S. citizenship, lawful immigration status or lawful presence, and individuals who are undocumented, or without such status.

7. MRNY maintains a database of its members. However, we do not have current contact information or a means of reaching all of our members, as individuals change phone numbers and addresses frequently. The frequency of these changes reflects the composition of our membership, which is drawn from low-income and working communities who often face financial hardship.

While we strive to remain in contact with our members, these realities mean we cannot reliably reach all our members in a timely way.

8. Because of concerns for our members' privacy and the importance of their trust in MRNY as crucial to our mission and work, MRNY does not share our membership information with third parties including governmental agencies.

9. MRNY's organizing team leads our advocacy work and campaigns. In the past, we have helped secure important legislative victories and reforms from expansion of eligibility for drivers' licenses in New York State to creation of a groundbreaking Excluded Workers Fund for workers unable to access unemployment and pandemic benefits because of their immigration status.

10. MRNY's organizing team facilitates standing issue-based committees in areas of importance to our members including immigrant and civil rights, housing and environmental justice, educational justice, workplace justice and TGNCIQ (Transgender, Gender Non-Conforming, Intersex, Queer) justice and various youth issues. Newcomers to the organization are invited to join one of our organizing committees in which participants share stories, learn about legal and policy developments, and engage in discussions about the problems they are facing and collectively devise solutions. Some of MRNY's longstanding committees are the Civil Rights and Immigrant Power Project ("CRIPP"), which works on campaigns for immigration reforms at the state and federal level; BASTA, which works on campaigns for housing and environmental justice; Youth Power Project, which works on issues impacting young people; and the Trans Immigrant Project (TriP), which supports and advocates for rights for TGNCIQ communities.

11. MRNY's services teams, which include legal, health, and adult education, are on the front line with immigrant communities in New York and serve thousands of immigrants each

year. Our immigration legal team covers a wide range of cases, including affirmative applications such as adjustment of status, naturalization, DACA, TPS, and visas for survivors of violence, as well as removal defense before the immigration courts. In addition, the legal team assists other departments in advocacy, planning, and training related to proposed laws or regulations. Our housing legal team, which represents many MRNY members, assists hundreds of families in housing court cases involving evictions, hazardous conditions, and housing discrimination. Our workplace justice team represents workers to recover unpaid wages, paid sick leave, and combat unlawful employment discrimination.

12. Both our organizing and our legal teams devote tremendous resources to providing community education and legal information. Just in 2025, we have provided dozens of trainings and presentations, primarily geared towards providing our members with crucial information about policy changes and their rights. Our staff develops and provides these trainings in response to our members' questions and needs.

13. Our legal team has also led numerous efforts to submit comments on federal regulations, both on behalf of MRNY and on behalf of our individual members. MRNY has submitted detailed comments in response to notices of proposed rulemaking on a wide range of issues of importance to our members and to the broader immigrant and immigration services community. Among those we have commented on are proposed regulatory changes to asylum processing; the public charge rule; the Special Immigrant Juvenile Status application process; fees charged by USCIS and the immigration court; the "transit ban" affecting asylum seekers; employment authorization processing; and expedited removal.

14. MRNY's health team promotes the health and well-being of our community members, by providing health services to community members, assisting eligible individuals in

obtaining health insurance and other benefits, operating food pantries and other programs to expand health and food access, and advocating for improved access to healthcare for immigrants.

15. Lastly, MRNY's adult education team provides English-language classes for hundreds of individuals for whom English is not their first language and assists immigrants with civics, adult basic education, and citizenship classes.

**The Interim Final Rule and Registration Requirements Directly Harm MRNY's Members**

16. MRNY has members who are or may be directly impacted by Executive Order 14159, (Jan. 20, 2025), 90 Fed. Reg. 8443 (Jan. 20, 2025) [hereinafter Jan. 20 EO] and Interim Final Rule ("IFR"), 90 Fed. Reg. at 11794, the proposed G-325R registration form and mandatory registration and carry requirements.

17. MRNY's members include noncitizens who have entered without inspection, are over the age of 14, and have been continuously present for more than 30 days. *See* IFR, 90 Fed. Reg. at 11794.

18. The IFR makes clear that "Noncitizens not previously registered through the visa process and newly required to register and be fingerprinted under the IFR can be prosecuted if they fail to register or to be fingerprinted." 90 Fed. Reg. at 11794 (citing 8 U.S.C. § 1306(a)).

19. The IFR also states that "Noncitizens newly issued proof of registration and fingerprinting under the IFR can be prosecuted for failure to carry that proof of registration at all times." *Id.* (citing 8 U.S.C. § 1304(e)); *id.* at 11795 (stating the intent to enforce that requirement); *id.* at 11797 (stating that new universal registration comes with a new obligation to carry proof of registration).

20. MRNY's members include noncitizens who may have entered without inspection but who may currently have a pending application for immigration relief such as a U visa or DACA

application, some of whom have had a biometrics appointment already, but have not yet received a U.S. Employment Authorization Document (EAD) that would qualify as valid “registration” under the IFR requirement. *See* 90 Fed. Reg. at 11795. For instance, MRNY has actively advocated for DACA and protection for the DACA program for many years and is one of the largest providers of DACA-related legal services in New York. In 2020 and 2021, MRNY helped dozens of people submit first-time DACA applications, including some of our members, which were never adjudicated due to a court order in July 2021. Some of these members provided biometrics to the government prior to the halt in adjudications.

21. For those members not required to register, they still face a risk of being erroneously stopped, arrested, or charged under the IFR’s criminal misdemeanor provisions, or required to “self-deport”, either because they do not have, or do not carry on their person at all times, documentation of their application or receipt of application for immigration relief. This risk is especially acute if they are detained, which impedes access to documents and contact with MRNY or other legal service providers. All of our members, meanwhile, now face a risk of biased enforcement action, whether based on their race as people of color; their perceived lack of English-language fluency; or their participation in core speech, like attendance at MRNY rallies and events.

22. MRNY members live in areas where encounters with Immigration and Customs Enforcement (ICE) Officers are common. MRNY has assisted hundreds of families in the New York City area who have been or who have had a loved one detained by ICE. In addition, under the present administration, ICE regularly detains so-called “collateral” individuals when conducting home or other raids. A feature of these detentions in recent months is that individuals are often difficult to contact, because they are transferred quickly out of the New York area or between detention facilities, and their inaccessibility makes it difficult to obtain important

documentation related to their cases. These detentions demonstrate the high risk of detention and potential criminal penalties faced by MRNY members and all undocumented New Yorkers, which the IFR heightens.

23. Among our members who will be impacted by the IFR because they would be newly required to register are the following:

24. “Guvelia”<sup>1</sup> is a 62-year-old grandmother and great-grandmother, a long-time member of MRNY, and a noncitizen who lives in New York. She has been in the U.S. for more than 20 years. She has applied for U Nonimmigrant Status by filing a Form I-918, which she did using a safe address, and recently provided biometrics as part of her application process. “Guvelia” has five children, two of whom are U.S. citizens and one of whom is a Lawful Permanent Resident, ten U.S. citizen grandchildren, and one U.S. citizen great-grandchild. She is very low income, works as a nanny, and collects recycling on the street to make ends meet. She is eligible for U Nonimmigrant Status because she and two of her children were assaulted by a group of young men with sticks, rods, and fists outside of their apartment building in Brooklyn, NY and she assisted in the arrest and prosecution of one of the assailants. She recently filed this petition and, as a result, “Guvelia” does not yet have an EAD document related to it; she also does not have any other proof of registration to carry on her person if she is stopped and criminally prosecuted for failing to carry “registration” papers under the IFR. “Guvelia” has been an active MRNY member since 2011, and she has regularly participated in MRNY’s committee meetings, been a part of protests in New York City, and traveled to Washington, D.C. to advocate for her community. In addition to being

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<sup>1</sup> To protect the privacy, safety and security of our members, all members listed in this declaration are identified under pseudonyms.



fearful of registration in general, she is concerned that she would have to list her advocacy and related activities on behalf of undocumented immigrants on the G-325R form and that this would make her a target for enforcement, separating her from her U.S. citizen children and grandchildren.

25. “Rosa” is a 49-year-old mother, a long-time member of MRNY, and a noncitizen who lives in New York. She has been in the U.S. for more than 20 years, and has never applied for an affirmative immigration benefit. “Rosa” and her husband have two U.S. citizen children, aged nine and thirteen. She takes care of her children full-time at home. “Rosa” fears that registration would mean that she would either face criminal consequences or be deported, and that in either case she would be separated from her young children and from her husband. She has not returned to her home country in more than 20 years; she left in 2002 because she received death threats from gangs in her community, and has not returned because she faces continued threats of persecution from distant family members and the same gangs. She has never had any interaction with law enforcement and just wants to live in peace with her children—one of whom intends to join the army. “Rosa” has been an active MRNY member since 2010, and she has regularly participated in MRNY’s committee meetings, been a part of protests in New York City, and often attends press conferences and other events. In addition to being fearful of registration in general, she is concerned that she would have to list her advocacy and related activities on the G-325R form, and that this would make her a target for retaliatory enforcement.

26. “Michael” is a 27-year-old member of MRNY and a noncitizen who has lived in the U.S. since the age of eleven. He attended middle school, high school and college in New York City, graduating with bachelor’s degrees in three different subjects. He lives with his mother and two siblings, all of whom are undocumented and, like him, do not have proof of registration. The United States is the only home that he knows, having lived here for the majority of his life.

“Michael” is also concerned about racial profiling under the new registration regime, particularly against his mother and brother who are darker-skinned than he is. “Michael” has been an extremely active member of MRNY for over a decade, participating in trips to Albany, Washington DC, and elsewhere and joining protests in the streets of New York. He has also given press interviews and written letters in English and Spanish on key issues of importance to MRNY and MRNY members. He fears that registration would make him and his family members easy targets for retaliation.

27. “Alice” is a member of MRNY and a noncitizen who lives in New York City and has lived in the U.S. for over 20 years. She has never applied for an affirmative immigration benefit and does not have any registration documents. “Alice” has been a victim of domestic violence and sought recourse through the court system. She is afraid that the new registration process will be used as a tool to intimidate, abuse and exclude people, particularly Latinos, because of their race and their immigration status. She fears that the registration requirement will also empower others, including employers and abusive partners, to intimidate individuals without status by threatening to report them. “Alice” has been an extremely active member of MRNY’s committees and participated in many MRNY actions and events, including protests and press events. She is concerned that the new registration process and rumors stemming from the process will prevent people like her from engaging in political speech and activism with organizations like MRNY.

28. “Marie” is a 22-year-old member of Make the Road New York and a noncitizen. “Marie” came to the U.S. at the age of two and earned her high school and bachelor’s degrees in New York. When she turned 15, she became eligible for DACA—but before she could file her application, the program was halted through an executive order. When it reopened in late 2020, she submitted her application, with proof of her presence in the U.S. since 2007 and compliance with other requirements, and she attended a biometrics appointment. But another halt to the

program, this time through a court order in July 2021, halted adjudication of her application. Because she never received employment authorization through the DACA process, she is subject to the registration requirement. She is nervous about the choice registration will force her to make between putting herself and her family members at risk of immigration enforcement and facing fines or other penalties for failing to register, something she did not fear as a DACA applicant because of the purpose of the DACA program and the protections that it offered. “Marie” became active in MRNY five years ago and has attended events and spoken with elected officials in New York City and in Albany on behalf of the organization. She fears that registration would make her and her family members targets for retaliation.

29. As these individuals demonstrate, MRNY members and the communities MRNY serves will be irreparably harmed by the Registration EO and IFR.

30. MRNY also witnesses and experiences these harms through our broader work. Every day, hundreds of people come to MRNY’s five community-based offices or directly contact a member of our staff seeking information and assistance on a range of issues, particularly in the aforementioned areas including immigration, housing, workplace justice and healthcare. Our staff regularly hold committee meetings, community-education sessions, and one-on-one meetings with our members and the communities we serve. Because of this, we experience firsthand the very harmful impact of national policy changes targeting immigrants. Already, members and staff at MRNY have expressed concern about the IFR and requested information, trainings and advice.

31. Our staff have shared that there is immense confusion about the IFR and to whom it applies among our members. The questions posed by our members have reflected a variety of immigration postures: for instance, people who have previously been in removal proceedings; have a denied application with USCIS; or are unsure under what legal mechanism they entered at the

U.S. border. A group of members in Queens asked if having an ITIN fulfilled the registration requirement. The complexity and hasty rollout of the IFR have left many members confused and vulnerable to misinformation.

32. This confusion is very difficult to dispel except through extensive one-on-one consultation. Already, our legal team's experience in providing immigration legal services and engaging in community education has demonstrated how complex the individual analysis into whether one is required to register—and the barriers to our members understanding and complying with this rule—may be. For instance, individuals may not know whether their admission at a U.S. border was pursuant to parole or not. Individuals may not have an easy way to tell whether a Notice to Appear (NTA) was issued to them, given the wide variation in case processing that individuals who entered through the southern U.S. border have undergone in recent years (including the issuance of other documents in place of an NTA, such as an I-385 Notice to Report, and long lapses between issuance and filing of an NTA) as well as the unreliability of service by mail. Members and clients that we work with generally do not know which documents were issued to them at the border and many have lost their documents by the time they reach New York. Under the IFR, the only way to verify their registration status and obtain the documents they must now carry by law would be through a FOIA request—which is a multi-step process that can take months, consumes staff time, and requires maintaining contact. It is also confusing. For instance, not all of our members issued NTAs were fingerprinted in the process. The IFR's suggestion that they do not need to do anything else to be considered "registered" leaves no guidance and open questions about whether they also need to comply with the fingerprinting requirement. The same is true with our members who submit an I-485 and for whom it is unclear if they were previously

fingerprinted or if any prior fingerprinting, potentially decades ago, is sufficient for purposes of the registration.

33. This complexity and inconsistency in the rule already pose huge challenges to MRNY's staff, who cannot confidently advise our members on their need to register in the group settings in which we conduct committee meetings and workshops, often with dozens of attendees. The confusing nature of the registration, coupled with its nearly universal impact, undermines our model of providing community education and know-your-rights presentations to our members and communities, since the registration requirement is nearly impossible to advise on in a group setting. Given that we have tens of thousands of members, our legal team cannot possibly advise all of them.

34. This confusion facilitates fraud. MRNY has seen fraud perpetrated against immigrant communities over many years. Many members and other community members have been defrauded by people promising to complete immigration-related forms that the members did not understand—for instance, change of venue forms, asylum applications, or other relief applications for which the individuals did not qualify. In some instances, these fraudulent providers then do not submit the form at all; in others they submit it with erroneous information and without advising the applicant of the consequences or next steps. Our staff fear that the registration process will facilitate the growth of this type of fraud in the future, particularly given the hasty way the IFR was rolled out, the widespread confusion among our members and immigrant communities about who is required to register, and the necessity of creating a MyUSCIS account and filing online, which many of our members lack the technological and language capability to do.

35. Community members we serve have also expressed fear and confusion about this change. Among those concerns is that MRNY's most visible and active members, who regularly

participate in our events, could become targets for retaliatory enforcement, whether they register or not. Our members' fear has a direct impact on our work, which centers on building power and advocating for the rights of low-income and immigrant communities. MRNY's organizing often relies on attendance at in-person events, such as rallies, protests, and lobbying days, and on storytelling and sharing of individual stories publicly in furtherance of our policy proposals and goals. The IFR has a chilling effect on individuals' willingness to participate in those crucial forms of advocacy and storytelling. The disclosures required on the G-325R form also cause a chilling effect, by requiring members to list advocacy efforts that may be seen as in opposition to current government policy. This chilling effect directly impacts our work as our members, even those not required to register under the new rule, become afraid to exercise their First Amendment right to speech.

36. Our members demonstrate the difficulty of compliance with registration. MRNY's base is low-income and working New Yorkers, many of whom face barriers to technology access; do not speak English; or do not have a stable address. In 2024, the New York City's shelter system also began a mandatory 30- or 60-day eviction system, which deepened address instability. Our membership includes dozens of individuals in the shelter system who are impacted by the transitory nature of shelter housing.

37. Our members, including those newly subject to the mandatory registration requirement and those who are not legally required to register but may have difficulty adducing proof of "registration," may now face arbitrary racial profiling at any time. Neither the EO nor the IFR explain how law enforcement will be expected to identify individuals who either failed to register or are actively violating the requirement that they carry proof of registration at all times. This leaves open the possibility that people who resemble our members—people of color who

primarily speak languages other than English—will be stereotyped and subjected to arbitrary stops and arrests for failing to carry proof of registration. The consequences of such arbitrary arrests and detentions include trauma, family separation, deportation, criminal prosecution, and the broader normalization of discrimination against our members. The EO and IFR force immigrants and mixed-status families to live in daily fear that they will be permanently separated from their U.S.-citizen or other lawfully present family members, or that other members of their family will be subjected to the same fate, as they are required to disclose their “personal activities” and the identity and location of their closest family members on the proposed G-325R Form.

38. Given our commitment to participating in the notice and comment process, MRNY would certainly have submitted a detailed comment in response to a notice of proposed rule-making about changes to the registration process and would have supported our members and staff in doing the same.

39. Instead, the IFR and G-325R mandatory registration requirements, abruptly promulgated without any opportunity for input from organizations like ours, subjects MRNY members to a drastic and confusing change in law. Our members may now face arbitrary searches, seizures, racial profiling, criminal charges or potential deportations, from which there is no relief, simply by stepping outside their home to run an errand at the grocery store, going to the doctor, or picking up their children from school – if they fail to carry their “papers” or “proof of registration” on their person at all times. This harms not only our members but MRNY itself.

I hereby declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in dark ink, appearing to read "Sienna Fontaine", with a stylized, flowing script.

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Sienna Fontaine

Executed this 30th day of March, 2025  
New York, New York