

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

Service Employees International Union,)
Raquel Molina, Ana Lemus,)
Saint Paul Paul, and Daysi Rocha-Cruz,)
)
Plaintiffs,)

No. 1:26-cv-11251-PBS

v.)

FIRST AMENDED COMPLAINT

Rodney S. Scott, Commissioner of U.S.)
Customs and Border Protection; U.S.)
Customs and Border Protection (“CBP”);)
Markwayne Mullin, Secretary of Homeland)
Security; U.S. Department of Homeland)
Security; Julio Caravia, CBP Area Port)
Director (Boston Logan International)
Airport); Clint Lamm, CBP Acting Area)
Port Director (San Francisco International)
Airport); Roderick W. Hudson, CBP Area)
Port Director (Houston/Galveston Area);)
Onika Maturine, Acting CBP Area Port)
Director (Orlando International Airport);)
and John Carson, Acting CBP Area Port)
Director (John F. Kennedy International)
Airport),)
)
Defendants.)

INTRODUCTION

For forty years, immigrant workers with lawful status, work authorization, and Customs security access have performed crucial services at airports nationwide. They have cleaned airplane cabins, attended to passenger luggage, and assisted passengers with special needs such as wheelchair users, people with disabilities, and unaccompanied minors. Billions of passengers have relied on these workers. Now, to advance the President’s zealous anti-immigrant agenda

under the pretext of airport security, Defendants have abruptly altered their interpretation of long-standing employment eligibility standards in order to strip these essential workers of their jobs, without explanation or process. Defendants' actions violate the Administrative Procedure Act ("APA") and the Due Process Clause of the Fifth Amendment to the United States Constitution.

To access airport areas related to international travel, Defendants require airport workers to display a Customs seal, approved and issued by Defendant United States Customs and Border Protection ("CBP"). The seal application process, initiated by airport employers and governed by federal regulations, has historically been straightforward. Workers supply proof of work authorization to their potential employers, companies that contract with airport authorities and airlines to perform services such as airplane cabin cleaning and passenger accompaniment. These employers conduct background checks on applicants and explain to CBP why a Customs seal is required for the applicants' employment. Once CBP grants a seal, the agency will generally renew it absent a material change in the seal holder's circumstances.

Employers, airport authorities, airlines, and workers have relied on this system for decades. Since February 2025, however, Defendants have abruptly and haphazardly upended this established system. They have revoked the Customs seals of lawful immigrant airport workers en masse pursuant to a new and unjustified interpretation of CBP regulations. Defendants have targeted workers coast to coast, revoking the Customs seals of workers at sites including Boston Logan International Airport ("Logan Airport"), San Francisco International Airport ("SFO"), John F. Kennedy International Airport ("JFK"), George Bush Intercontinental Airport ("Houston Airport"), and Orlando International Airport ("Orlando Airport"). In their haste to make life in the United States intolerable for even lawful immigrant workers by depriving them of their

livelihoods, Defendants have acted arbitrarily and capriciously, failed to comply with CBP's own rules and the agency's rulemaking obligations, and violated workers' due process rights.

Raquel Molina, Ana Lemus, Saint Paul Paul, and Daysi Rocha-Cruz ("Individual Plaintiffs") are employment-authorized noncitizens and members of Plaintiff Service Employees International Union ("SEIU") who were employed for many years at Logan Airport with Customs seal security access. Individual Plaintiffs have labored in various capacities serving the public, servicing airlines, and furthering the safe operation of the airport. In 2025, Defendants summarily revoked or in some cases denied Individual Plaintiffs' Customs seals based on Defendants' novel, arbitrary, and unlawful interpretation of the requirement that seal holders have "authorized residency," a term nowhere defined in the Immigration and Nationality Act. In addition, Defendants revoked Plaintiff Rocha-Cruz's seal on the basis of a novel and arbitrary interpretation of the term "violation of a U.S. immigration law."

As a direct result of these actions, Individual Plaintiffs and many lawful immigrant workers like them lost their jobs and livelihoods. Defendants did not afford any of them a pre-deprivation hearing. This suit challenges the seal revocations and denials and the policies triggering those revocations and denials on multiple independent grounds, including that the agency's change in interpretation of "authorized residency" is unlawful, the denial of pre-deprivation hearings violated due process, CBP failed to comply with the APA in promulgating the rule it is applying and interpreting, and the agency's interpretation and enforcement of "violation of a U.S. immigration law" in the Customs seal regulations is unlawful.

Plaintiff SEIU represents approximately 40,000 airport workers nationwide, including Individual Plaintiffs. Thousands of SEIU members have lost or are at imminent risk of losing their Customs seals, or have had applications for Customs seals denied or are at imminent risk of

having such applications denied, pursuant to Defendants' new Customs seal policies. SEIU, on behalf of its members, and Individual Plaintiffs therefore bring this action under the APA and the United States Constitution.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. § 1331 because the action arises under the Constitution and laws of the United States.

2. Defendants have waived their sovereign immunity for suits seeking injunctive relief against constitutional and statutory violations. 5 U.S.C. § 702.

3. Venue is proper under 28 U.S.C. § 1391(b)(2) and (e)(1).

PARTIES

4. Plaintiff SEIU is a union of over two million diverse health care, public sector, and property service workers in North America, including the Individual Plaintiffs in this action. SEIU members are united by the belief in the dignity and worth of all workers and the services they provide. The union is dedicated to improving the lives of workers and their families and creating a more just and humane society. The union's headquarters are in Washington, D.C.

5. Plaintiff Raquel Molina is a 65-year-old Boston resident, SEIU member, and former employee at Logan Airport, who worked at the airport for twenty-seven years prior to CBP's revocation of her Customs seal in 2025.

6. Plaintiff Ana Lemus is a 58-year-old Boston-area resident, SEIU member, and former employee at Logan Airport, who worked at the airport for more than six years prior to CBP's constructive denial of her Customs seal application in 2025.

7. Plaintiff Saint Paul Paul is a 58-year-old Boston resident, SEIU member, and former employee at Logan Airport, who worked at the airport for approximately three years prior to CBP's revocation of his Customs seal in 2025.

8. Plaintiff Daysi Rocha-Cruz is a 27-year-old Boston resident, SEIU member, and employee at Logan Airport, who previously worked at Logan Airport for approximately six to eight months prior to CBP's revocation of her Customs seal in 2025. She now works for a different employer at the airport. Her current airport job does not require a Customs seal.

9. Defendant Rodney S. Scott is the Commissioner of United States Customs and Border Protection. As the head of CBP, Mr. Scott manages all agency operations and oversees agency policy governing U.S. international airports and airport workers. He is sued in his official capacity.

10. Defendant United States Customs and Border Protection is a component of the United States Department of Homeland Security ("DHS") and an "agency" within the meaning of 5 U.S.C. § 551(1). CBP administers the provision and revocation of Customs access seals allowing individuals, such as airport workers, to enter Customs security areas.

11. Defendant Markwayne Mullin is the Secretary of Department of Homeland Security. As agency head, Secretary Mullin directs DHS component agencies and oversees agency policy governing U.S. international airports and airport workers, including interpretation and enforcement of Customs seal regulations. He is sued in her official capacity.

12. Defendant United States Department of Homeland Security is a cabinet-level department of the Executive Branch of the federal government and is an "agency" within the meaning of 5 U.S.C. § 551(1). DHS includes various component agencies, including CBP.

13. Defendant Julio Caravia is CBP Area Port Director for Boston Logan International Airport in Boston, Massachusetts (“Logan Port Director”). As Port Director, Mr. Caravia is responsible for CBP operations at the airport. He is sued in his official capacity.

14. Defendant Clint Lamm is CBP Acting Area Port Director for San Francisco International Airport in San Francisco, California. As Acting Port Director, Mr. Lamm is responsible for CBP operations at the airport. He is sued in his official capacity.

15. Defendant Roderick W. Hudson is CBP Area Port Director for the George Bush Intercontinental Airport in Houston, Texas. As Port Director, Mr. Hudson is responsible for CBP operations at the airport. He is sued in his official capacity.

16. Defendant Onika Maturine is Acting CBP Area Port Director for Orlando International Airport in Orlando, Florida. As Acting Port Director, Ms. Maturine is responsible for CBP operations at the airport. She is sued in her official capacity.

17. Defendant John Carson is CBP Acting Area Port Director for John F. Kennedy International Airport in New York City, New York. As Acting Port Director, Mr. Carson is responsible for CBP operations at the airport. He is sued in his official capacity.

LEGAL FRAMEWORK

Overview of CBP’s Customs Seal Regulations

18. To access “Customs security areas” in international airports, airport workers must possess a Customs seal. 19 C.F.R. § 122.182.

19. “Customs security areas” are defined as “federal inspection services areas . . . designated for processing passengers, crew, their baggage and effects arriving from, or departing to, foreign countries, as well as the aircraft deplaning and ramp area and other restricted areas designated by the port director.” *Id.* § 122.181.

20. To apply for a Customs seal, an employer must submit an application form to the CBP Port Director (Customs Form 3078). *Id.* § 122.182(c)(1). Employers must attest in writing to the employee’s need for the Customs seal. *Id.*

21. Employers must also attest to having completed a background check on the employee. *Id.* § 122.182(d).

22. Under the regulations, the Port Director “may” require employees to submit fingerprints, a photograph, or “[p]roof of citizenship or authorized residency” as part of their seal application. *Id.* § 122.182(c)(1)(i)-(ii).

23. Unless surrendered, each seal remains valid for two years following the date of issuance. *Id.* §§ 122.182(a), 122.182(g).

24. The employee may reapply for one or more additional two-year periods. *Id.* § 122.182(c)(2). Reapplications differ from initial applications in that they do not require a written attestation from the employer if there has been no change of employment. *Id.*

25. Agency regulations enumerate grounds for CBP denial of seal applications. *Id.* § 122.183(a). These regulations include a provision that CBP will not issue a seal to “any person whose access to the Customs security area will, in the judgment of the port director, endanger the revenue or the security of the area or pose an unacceptable risk to public health, interest or safety, national security, or aviation safety.” *Id.*

26. Agency regulations further provide that CBP will not issue a seal to an applicant who has “committed any act or omission involving” “[a]ny violation of a U.S. immigration law.” *Id.* § 122.183(a)(4)(xxxiv).

27. Grounds for denial of a seal are grounds for revocation of an already-granted seal. *Id.* § 122.187(a)(2)(iv).

28. Where an employee “has been arrested for, or charged with” a ground for denial, such as “[a]ny violation of a U.S. immigration law,” the Port Director must immediately revoke their seal. *Id.* §§ 122.187(a)(2)(iii), 122.187(a)(1)(i).

29. Under the regulations, the Port Director must give written notice of the seal revocation to the employee within ten calendar days of revocation. *Id.* § 122.187(b)(1). The notice must specify whether revocation is effective immediately or is a proposed action. *Id.* § 122.187(b). If the revocation is effective immediately, the notice must state the specific grounds for revocation, direct the employee to immediately surrender the seal, and notify the employee of their option to appeal. *Id.* § 122.187(b)(1).

30. An employee may file a written appeal of the final notice of immediate revocation within thirty calendar days of the date of the notice. *Id.* § 122.187(b)(1)(ii).

31. Should the employee choose to appeal without requesting a hearing, the Port Director must forward the administrative record to the Director of Field Operations at the Customs Management Center with jurisdiction over the Office of the Port Director. *Id.* § 122.187(c)(2)(ii). The Director of Field Operations must issue a written decision on the appeal. *Id.* § 122.187(c)(3).

Evolution of CBP’s Customs Seal Regulations

32. On September 12, 1986, in response to “terrorist incidents at foreign airports” and “threats of violence at U.S. airports,” the U.S. Customs Service (the predecessor agency to CBP) promulgated regulations requiring employees with unescorted access to Customs security areas at international airports to possess and display on demand a Customs-approved seal. Customs Regulations Amendment Concerning Access to Customs Security Areas at Airports, 51 Fed. Reg. 32448, 32449 (Sep. 12, 1986) (revised and codified at 19 C.F.R. pt. 122).

33. The regulations provided that the Customs Service could deny or revoke seals, *id.* at 32450-51, but prohibited the Customs Service from revoking a seal without an opportunity for the affected employee to first contest the action. *Id.* at 32451.

34. To revoke a seal, the “district director” (the predecessor to the Port Director) was required to give notice of the proposed action in writing to the employee. The employee would then have the option to request a hearing. Every timely request for a hearing would be granted. At the hearing, employees could be represented by counsel, submit evidence and testimony, and cross-examine witnesses. Following the hearing, the Commissioner of Customs or their designee would render their decision. *Id.*

35. Accordingly, between 1986 and 2002, the district director could not revoke a Customs seal until the affected employee had an opportunity to be heard and the administrative process concluded.

36. Following the attacks on September 11, 2001 and heightened public concern about airport security, the Customs Service initiated a review of its security standards and procedures. On July 29, 2002, the agency promulgated an interim final rule (“2002 IFR”), substantially amending the Customs seal regulations. Access to Customs Security Areas at Airports, 67 Fed. Reg. 48977 (Jul. 29, 2002) (codified at 19 C.F.R. pt. 122).

37. The 2002 IFR instituted the modern sealing regime, which has not been substantially amended since. CBP has not finalized the IFR since it was promulgated.

38. First, the 2002 IFR provided a new process for immediate revocation of seals in emergency situations (“emergency revocation”). No longer would employees be guaranteed an opportunity to contest the agency’s action prior to losing physical access to their workplace. *See* 19 C.F.R. § 122.187(b)(1) (authorizing immediate action “whenever in the judgment of the port

director . . . an emergency situation involving public health, safety, or security is involved,” with “final notice . . . issued to the affected employee within 10 calendar days”).

39. Second, the 2002 IFR drastically narrowed employees’ opportunity to submit evidence and cross-examine witnesses to contest the revocation of their seals. According to the new emergency revocation procedures, a hearing would only be provided at the appeal stage, *after* the seal had been revoked, and only if the employee demonstrated a “genuine issue of fact that is material to the revocation or suspension action.” *Id.* § 122.187(b)(1)(ii).

40. Third, the 2002 IFR significantly increased the potential grounds for revocation of seals. The regulation explained that it added a new paragraph, (a)(4), “because Customs believes that the issue of established criminal conduct is appropriate for detailed treatment in an application context.” 67 Fed. Reg. at 48980. The regulation accordingly added that any person who “has been arrested for, or charged with” “[a]ny violation of a U.S. immigration law” would lose their seal. *Id.* §§ 122.187(a)(2)(iii), 122.183(a)(4)(xxxiv).

41. Fourth, the 2002 IFR gave discretion to the Port Director to determine who poses an unacceptable risk to public health, interest or safety, national security, or aviation safety, *see id.* § 122.183(a), and thus may lose their seal pursuant to *id.* § 122.187(a)(2)(iv).

42. These regulatory changes purported to give the Customs Service discretion to revoke Customs seals and, as a direct result, terminate the employment of any airport worker who requires a Customs seal to perform their job.

43. After the 2002 IFR, Port Directors implemented the new Customs seal regime at airports within their jurisdiction in a manner that was generally but not always consistent.

44. In May 2024, CBP surveyed Port Directors around the country to ascertain how they implemented the “authorized residency” requirement for Customs seals holders at airports.

45. The vast majority of respondents reported that they considered possession of an employment authorization document, or “EAD,” sufficient to establish “authorized residency” in order to be eligible for a customs seal under CBP regulations.

46. However, despite the majority of surveyed airports confirming that they treat individuals with employment authorization as eligible for a customs seal, the Trump administration has adopted a new, narrower interpretation of “authorized residency” which is at odds with widely accepted practices.

47. Since February 2025, CBP has unlawfully relied on its new interpretation of the 2002 IFR to systematically target the lawful immigrant workers on whom international airport passengers, airlines, and operations depend.

STATEMENT OF FACTS

48. SEIU members and other airport workers who require Customs seals perform essential tasks such as cleaning and preparing planes for takeoff, cleaning terminals, attending to passenger luggage, driving between terminals, and helping people in wheelchairs get to where they need to go.

49. Workers receive their Customs seals from their employers. Many seal holders work for companies that contract with airlines to provide essential services such as cabin cleaning or passenger accompaniment. These employers perform background checks on workers applying for jobs that require Customs seals and are generally responsible for submitting applications on behalf of workers to CBP for Customs seals.

50. Customs seals are affixed to security badges. SEIU members and other workers typically scan or display security badges upon entering international terminals and baggage handling areas, as well as international flights in domestic terminals.

CBP's Mass Cancellation of Customs Seals

51. Since February 2025, CBP has revoked en masse the Customs seals of SEIU members and other immigrant airport workers, including green card applicants, Temporary Protected Status (“TPS”) holders, and asylum seekers, all of whom possess valid EADs.

52. These actions constitute a nationwide assault on immigrant airport workers. Defendants have been revoking and declining to renew Customs seals at international airports across the country, including Logan Airport, JFK, SFO, Orlando Airport, and Houston Airport. Many of the affected airport workers have lived with their children and families in the United States and been dues-paying members of local affiliates of SEIU for years.

53. As a result of losing their seals, SEIU members and other airport workers have lost their jobs because the seals are a condition of their employment. At Logan Airport alone, CBP has forced at least 80 workers out of their jobs since April 2025.

54. Some workers have experienced months of unemployment. Others have been forced to take in boarders or work longer hours for less pay in order to make ends meet.

55. CBP has sent revocation letters on an ad hoc basis to employers or affected workers, using form language that does not elaborate on any rationale for the revocation.

56. In letters sent to SEIU members including Individual Plaintiffs, CBP alleged that these workers lack “authorized residency” and therefore fail to meet “authorized residency” requirements of 19 C.F.R. § 122.182(c).

57. The letters stated that possession of valid work authorization does not confer “authorized residency.”

58. The letters did not define “authorized residency.”

59. The letters further stated that, pursuant to 19 C.F.R. §§ 122.187(a)(2)(iv) and 122.183(a), in the judgment of the Port Director, lack of “authorized residency” is grounds for revocation because it poses an unacceptable risk to public health, interest or safety, national security, aviation safety, airport revenue, or Customs security.

60. These allegations represented a sudden and unexplained departure from CBP’s longstanding implementation of the Customs seal regulations.

61. Prior to 2025, proof of valid work authorization was sufficient to satisfy the “authorized residency” application requirement.

62. Since at least February 2025, CBP has changed its interpretation of “authorized residency” to refer only to certain U.S. immigration statuses and distinguished it from authorization to work.

63. CBP has memorialized this changed interpretation of “authorized residency” in writing.

64. CBP memos sent to airport services employers at JFK and SFO demonstrate that CBP abruptly narrowed its interpretation of “authorized residency.” A CBP memo dated May 28, 2025, and delivered to employers at JFK (“JFK Memo,” attached as Exhibit 1) instructs employers that seal applicants’ employment authorization documentation must be “accompanied by a document showing proof of authorized residency in the United States” (emphasis in original).

65. Similarly, a CBP memo delivered to SFO employers on or about November 19, 2025 (“SFO Memo,” attached as Exhibit 2) notifies employers that “while a valid Employment Authorization Document (EAD) grants permission to work in the United States, it **does not** confer authorized residency status” (emphasis in original).

66. According to the JFK Memo, persons with “authorized residency” now include only U.S. citizens; lawful permanent residents; persons admitted as refugees; persons granted asylum; Deferred Action for Childhood Arrivals (“DACA”) recipients; persons admitted pursuant to the Compact of Free Association Act; persons with T-1, V, U1, U2, U3, U4, or U5 status; VAWA self-petitioners, including persons last admitted under INA §§ 101(a)(15)(A), E(iii), (G), or (H); and persons admitted under certain Temporary Worker Classifications. Valid work permits are no longer sufficient as proof of “authorized residency.”

67. The SFO Memo defines “authorized residency” to include only those categories listed in the JFK Memo, with the exception that it does not specify that VAWA self-petitioners include persons last admitted under INA §§ 101(a)(15)(A), E(iii), (G), or (H). As of November 19, 2025, SFO workers must prove that they fall into one of these categories.

68. Further, on or about January 30, 2025, employers at Orlando Airport received guidance from CBP that, pursuant to a “CBP SEAL NEW POLICY,” valid work authorization is no longer proof of “authorized residency.”

69. On information and belief, employers at Logan Airport, Houston Airport, and other airports in the United States received or imminently will receive similar written or oral guidance from CBP on the changed interpretation of “authorized residency.”

70. Many of the affected airport workers, including SEIU members, have possessed and renewed their Customs seals without incident for years, and in some cases decades.

71. CBP has targeted SEIU members including Individual Plaintiffs who pose no risk or threat to public health, national security, or airport security, as demonstrated by their uncontroverted years of good service.

72. Defendants did not provide Individual Plaintiffs an opportunity to contest the loss of their Customs seal before Defendants denied them access to their workplace and their jobs.

73. The agency's mass cancellation of immigrant workers' Customs seals has not only unjustly deprived SEIU members of their livelihood without cause or reason but has also sowed confusion and chaos through its haphazard administration, jeopardizing the smooth, safe functioning of our transportation system.

Raquel Molina

74. Plaintiff Raquel Molina is a 65-year-old Boston resident and a TPS recipient, asylum seeker, mother of one, and grandmother of five. She is a member of SEIU Local 32BJ, a local affiliate of SEIU. Through TPS, she received work authorization.

75. On or around 2004, Ms. Molina received TPS through designation of persons from El Salvador. She has renewed her TPS status repeatedly since then.

76. Ms. Molina worked as a cabin cleaner at Logan Airport continuously for 27 years.

77. In February 2025, she timely applied to renew both her TPS and EAD, which were scheduled to expire on March 9, 2025. She received a Notice of Action from U.S. Citizenship and Immigration Services (USCIS) in response.

78. The government has not terminated TPS for El Salvador and it remains active.

79. By operation of law, Ms. Molina's February 2025 applications automatically extended her EAD for 540 days, 8 C.F.R. § 274a.13(d), or up to and including September 9, 2026.

80. Nevertheless, in summer 2025, Defendants abruptly and immediately revoked Ms. Molina's Customs seal, making it impossible for her to continue her work.

81. On or around June 30, 2025, Ms. Molina received a letter from the Defendant Logan Port Director stating the grounds for revocation, a day after being notified by her employer that her seal had been revoked.

82. The letter stated that Ms. Molina lacks authorized residency. The letter also stated that because she allegedly lacks authorized residency, she therefore “fails to meet CBP security standards” and “poses an unacceptable risk to public health, interest or safety, national security, aviation safety, the revenue, or the security of the area.”

83. Ms. Molina timely appealed the revocation, but CBP denied her appeal in August 2025.

84. Since the revocation of her seal, Ms. Molina has been unable to find alternative work that accommodates her arthritis as her career as a cabin cleaner did. The loss of income has made it difficult for her to afford rent and food for her daughter and grandchildren, all of whom live with her.

85. Given her valid work permit and TPS status, Ms. Molina had authorized residency when her seal was revoked. CBP wrongly accused Ms. Molina of lacking authorized residency and erroneously deprived her of her seal.

Ana Lemus

86. Plaintiff Ana Lemus is a 58-year-old Boston-area resident who has had TPS and work authorization since 1999. She is currently in the process of adjusting her immigration status to become a lawful permanent resident through her U.S.-citizen children. She is a member of SEIU Local 32BJ, a local affiliate of SEIU.

87. Ms. Lemus began working at Logan Airport in 2019 and worked as a cabin cleaner for more than six years.

88. Ms. Lemus's most recent Customs seal had an expiration date of June 30, 2025.

89. In April 2025, Defendant DHS renewed Ms. Lemus's work authorization, valid until April 2030. DHS issued this EAD based on her pending application for adjustment of status.

90. Recognizing that her Customs seal would soon expire, Ms. Lemus applied to renew her Customs seal in May 2025, based on the newly-issued April 2025 EAD.

91. To date, Defendants have failed to act on her May 2025 Customs seal application.

92. Defendants' failure to grant or deny Ms. Lemus's May 2025 application constitutes a constructive denial of that application.

93. Upon information and belief, CBP's constructive denial of Ms. Lemus's May 2025 renewal application is based on its new interpretation of the Customs seal regulations.

94. Defendants have not provided Ms. Lemus with a written or other decision on her May 2025 Customs seal application, nor with a statement of her appeal rights, if any.

95. On August 15, 2025, Ms. Lemus received a letter from her employer, G2 Secure Staff ("G2"), an airline service contractor, stating that she was being terminated because her employment authorization had been revoked.

96. Since her termination by G2, Ms. Lemus has found only temporary, non-union work.

97. Contrary to the G2 letter, Ms. Lemus's employment authorization has not been revoked.

98. Ms. Lemus is authorized to work as an applicant for adjustment of status.

99. She also received TPS through designation of persons from Honduras. DHS terminated TPS designation and related benefits for persons from Honduras on September 8,

2025. On December 31, 2025, Judge Tina Thompson vacated the TPS termination. *National TPS Alliance v. Noem*, No. 25-cv-05687 TLT (N.D. Cal. Dec. 31, 2025). The Ninth Circuit stayed the district court's vacatur order, *National TPS Alliance v. Noem*, No. 26-199 (9th Cir. Feb. 9, 2026), and is holding the appeal in abeyance pending the resolution of *Mullin v. Doe*, No. 25-1083 (U.S.) and *Trump v. Miot*, No. 25-1084 (U.S.). *Id.* at ECF No. 35 (Apr. 6, 2026).

100. Given her valid work authorization, TPS, and pending application for adjustment of status, Ms. Lemus has authorized residency. CBP's constructive denial of her May 2025 application, based on its new interpretation of the Customs seal regulations, has erroneously deprived her of her Customs seal.

Saint Paul Paul

101. Plaintiff Saint Paul Paul is a 58-year-old Boston resident, TPS holder, asylum seeker, and father of five children. He is a member of SEIU Local 32BJ, a local affiliate of SEIU. Through his asylum application, Mr. Paul has received work authorization. His current work permit is valid until 2029.

102. Mr. Paul worked as a cabin cleaner at Logan Airport for nearly three years. He was employed by G2, and then by airline service contractor HHS, to clean Delta Airlines airplanes.

103. On or around June 29, 2025, CBP abruptly and immediately revoked Mr. Paul's Customs seal, making it impossible for him to continue his work.

104. Mr. Paul discovered that his seal had been revoked when he and many others were suddenly blocked by security from accessing the terminal where he worked.

105. Mr. Paul received a letter dated June 30, 2025 from the Logan Port Director stating the grounds for revocation, two days after being blocked from entering his workplace.

106. The letter stated that Mr. Paul lacks authorized residency. The letter also stated that because he allegedly lacks authorized residency, he therefore “poses an unacceptable risk to public health, interest or safety, national security, aviation safety, the revenue, or the security of the area.”

107. Since the revocation of his seal, it has been difficult for Mr. Paul to find work. For several months, Mr. Paul found only temporary, non-union work at restaurants. These jobs were more physically demanding and lower paying than his work as a cabin cleaner and did not cover his family’s expenses. Around September 2025, Mr. Paul began working at Chipotle.

108. In 2020, Mr. Paul applied for asylum. His application is pending.

109. Since 2022, Mr. Paul has received TPS through designation of persons from Haiti. DHS published a notice on November 28, 2025 terminating TPS designation and related benefits for persons from Haiti as of February 3, 2026. *See Mullin v. Doe*, --- S.Ct. ---, 2026 WL 1825840 (June 25, 2026) (upholding termination of TPS for Haitians).

110. As an asylum seeker and TPS holder with a valid work permit, Mr. Paul has authorized residency. CBP therefore wrongly accused Mr. Paul of lacking authorized residency and erroneously deprived him of his seal.

Daysi Rocha-Cruz

111. Plaintiff Daysi Rocha-Cruz is a 27-year-old asylum seeker and Boston resident. She is a member of SEIU 32BJ, a local affiliate of SEIU.

112. As a child, Ms. Rocha-Cruz loved watching planes and dreamed of one day becoming a flight attendant.

113. Ms. Rocha-Cruz was employed as a cabin cleaner at Logan Airport from approximately September 2024 until CBP revoked her Customs seal in April 2025.

114. Ms. Rocha-Cruz viewed working on planes as a cabin cleaner as a step toward her dream of becoming a flight attendant. She felt grateful that being in the United States gave her the opportunity to work towards that dream.

115. Sometime in April 2025, Ms. Rocha-Cruz's supervisor called her to tell her that she could no longer work because her Customs seal had been revoked.

116. Subsequently, on April 30, 2025, CBP sent Ms. Rocha-Cruz a letter stating that her Customs seal had been revoked because she had committed a "violation of a U.S. immigration law" and her actions allegedly demonstrated that she posed "an unacceptable risk to public health, interest or safety, national security, aviation safety, the revenue, or the security of the area."

117. These allegations caused Ms. Rocha-Cruz significant confusion and stress.

118. Ms. Rocha-Cruz presented at a port of entry on the U.S.-Mexico border in July 2022. She was issued a Notice to Appear on July 31, 2022, and instructed to wait in Mexico for several months as part of the "Remain in Mexico" program. On October 28, 2022, Ms. Rocha-Cruz was paroled into the country on the basis of a reasonable fear of past or future persecution. The Notice to Appear was amended to reflect her parole.

119. On August 31, 2023, Ms. Rocha-Cruz applied for asylum.

120. As an asylum seeker paroled into the country, Ms. Rocha-Cruz has not violated U.S. immigration law.

121. After losing her job as a cabin cleaner, Ms. Rocha-Cruz was unemployed for nearly three months.

122. Ms. Rocha-Cruz then found temporary work cleaning a museum but wished to return to work at the airport.

123. Ms. Rocha-Cruz finally found employment at Logan Airport in November 2025. She now works for The Waldwin Group in food services at the airport.

124. Ms. Rocha-Cruz's new job is a non-union job and pays less than her work as a cabin cleaner.

125. Ms. Rocha-Cruz's employment authorization is valid from June 22, 2024 to 2029.

126. Ms. Rocha-Cruz's immigration status did not change between 2024, when she first received a Customs seal, and April 2025, when Defendants revoked her Customs seal.

127. CBP wrongfully accused Ms. Rocha-Cruz of violating U.S. immigration law and erroneously deprived her of her Customs seal.

SEIU's Efforts to Assist Affected Workers, Including Plaintiffs, and Injury

128. SEIU is the largest union of service workers in the country. It has represented workers for over 100 years.

129. SEIU was founded as the Building Service Employees Union in 1921 by immigrant janitors from Eastern Europe, Africa, Turkey, Spain, and Ireland. It was one of the few racially integrated unions of its time with Black, immigrant, and women leaders.

130. Today, SEIU represents approximately two million workers, over 25% of whom identify as immigrants. SEIU members include foreign-born U.S. citizens, lawful permanent residents, and immigrants authorized to work in the United States.

131. SEIU's work is guided by its vision for a just society where all workers are valued and all people respected—no matter where they are from.

132. To achieve this vision, the union's work is centered on forging a multi-racial, multi-generational, multi-lingual labor movement that builds power for both immigrant and non-immigrant workers.

133. Today, SEIU represents around 40,000 airport workers nationally.

134. SEIU members, including but not limited to Individual Plaintiffs, have suffered the concrete and particularized harm of losing their Customs seals or having their applications for Customs seals denied due to Defendants' actions and, as a result, losing their jobs.

135. SEIU's mission is to benefit its members and improve their conditions by every means, including by ensuring that its members remain employed in union jobs, protecting members' rights on the job, and promoting worker and immigrant rights generally.

136. Ensuring that immigrant worker members of SEIU can maintain their employment in positions represented by SEIU's local affiliates is germane to SEIU's organizational purpose.

137. The relief requested in this complaint does not require the participation of individual workers or individualized proof.

138. SEIU therefore brings this action on behalf of its members.

139. Defendants' irrational and baseless attacks on immigrant jobs have stripped SEIU members including Individual Plaintiffs of their livelihoods and disrupted international airport operations on which millions of domestic and international travelers each year rely.

140. Plaintiffs' claims are timely under 28 U.S.C. § 2401(a) because an APA claim does not accrue until the plaintiff is injured by final agency action. *Corner Post, Inc. v. Board of Governors*, 603 U.S. 799 (2023).

141. Individual Plaintiffs and SEIU, on behalf of its members, have exhausted their administrative remedies and were injured fewer than six years before filing this complaint.

CAUSES OF ACTION

FIRST CLAIM FOR RELIEF

5 U.S.C. § 706(2)(A)—ARBITRARY AND CAPRICIOUS AGENCY ACTION

**(All Plaintiffs Against All Defendants)
(Interpretation of “Authorized Residency”)**

142. Plaintiffs repeat and re-allege the allegations contained in the preceding paragraphs of this complaint as if fully set forth herein.

143. On information and belief, prior to at least January 2025, CBP interpreted proof of “authorized residency” to include proof of authorization to work.

144. On information and belief, since at least February 2025, CBP has adopted an agency-wide policy re-interpreting “authorized residency” to refer only to certain U.S. immigration statuses and distinguished it from authorization to work.

145. Defendants’ agency-wide interpretation of the phrase “authorized residency” in 19 C.F.R. § 122.182(a) constitutes final agency action. *Bennett v. Spear*, 520 U.S. 154, 178 (1997).

146. CBP has communicated its new interpretation of “authorized residency” in memos or other writings, such as the JFK Memo and the SFO Memo.

147. According to the JFK Memo, persons with “authorized residency” are citizens; lawful permanent residents; persons admitted as refugees; persons granted asylum; DACA recipients; persons admitted pursuant to the Compact of Free Association Act; persons with T-1, V, U1, U2, U3, U4, U5 status; VAWA self-petitioners, including persons last admitted under INA §§ 101(a)(15)(A), (E)(iii), (G), or (H); and persons admitted under certain Temporary Worker Classifications.

148. The SFO Memo likewise limits “authorized residency” only to the categories listed in the JFK Memo, but it does not specify that VAWA self-petitioners include persons last admitted under INA §§ 101(a)(15)(A), (E)(iii), (G), or (H).

149. The JFK Memo contains detailed instructions on the types of documentation suitable to establish forms of “authorized residency” under CBP’s new interpretation; the SFO Memo contains only cursory guidance, seemingly leaving the question of adequate documentation to local CBP offices to determine.

150. CBP’s new policy is arbitrary and capricious for at least three reasons.

151. First, CBP’s actions are not reasonable or reasonably explained. “An agency action qualifies as ‘arbitrary’ or ‘capricious’ if it is not reasonable and reasonably explained.” *Ohio v. EPA*, 603 U.S. 279, 292 (2024) (quoting *FCC v. Prometheus Radio Project*, 592 U.S. 414, 423 (2021)). Among other things, an agency must “articulate a satisfactory explanation for its action including a ‘rational connection between the facts found and the choice made.’” *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (quoting *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168 (1962)).

152. CBP’s change in how the agency defines authorized residence lacks any indicia of reasoned decision making.

153. For example, the two memos referenced above reflect differing implementations of CBP’s new interpretation of “authorized residency,” further evidence of the agency’s capricious process in redefining the phrase.

154. Second, an agency must adequately “display awareness that it is changing position.” *FCC v. Fox Television Stations*, 556 U.S. 502, 515 (2009). That awareness includes demonstrating “that there are good reasons for the new policy.” *Id.*

155. Individual Plaintiffs’ immigration statuses did not change in the months leading up to CBP’s revocation or denial of their seals. Yet Individual Plaintiffs Molina, Paul, and Rocha-Cruz nonetheless received letters informing them that their seals were revoked due to lack

of authorized residency, when they were previously determined by CBP to have authorized residency for years, or even decades. This represents a departure from past agency interpretation of the regulations.

156. CBP has failed to explain the change in policy or to explain why SEIU members,' including Individual Plaintiffs,' valid work authorization previously constituted authorized residency but no longer does.

157. Third, CBP did not consider the substantial reliance interests of Customs seal recipients. "When an agency changes course . . . it must be cognizant that longstanding policies may have engendered serious reliance interests that must be taken into account," and the failure to do so is arbitrary and capricious. *DHS v. Regents of the Univ. of Cal.*, 591 U.S. 1, 30 (2020).

158. CBP has failed to take account of the reliance interests of the Individual Plaintiffs and other SEIU members. The letters sent to SEIU members including Individual Plaintiffs did not provide any explanation justifying the agency's new interpretation of "authorized residency."

159. Accordingly, CBP's revised interpretation of "authorized residency" is arbitrary and capricious and should be set aside pursuant to 5 U.S.C. § 702(2)(A).

SECOND CLAIM FOR RELIEF
5 U.S.C. § 706(2)(A)—ARBITRARY AND CAPRICIOUS AGENCY ACTION

(All Plaintiffs Against All Defendants)
(Use of Lack of "Authorized Residency" as Reason to Terminate)

160. Plaintiffs repeat and re-allege the allegations contained in the preceding paragraphs of this complaint as if fully set forth herein.

161. CBP has failed to explain why, notwithstanding the agency's arbitrary and capricious change in position, immigrant airport workers with valid work authorization but who do not satisfy its new interpretation of "authorized residency" constitute an unacceptable risk to

public health, interest or safety, national security, aviation safety, airport revenue, or Customs security.

162. It is arbitrary and capricious to classify asylum seekers and TPS holders as lacking authorized residency and therefore posing a security risk when they have the permission of the federal government to be present in the United States; maintain work authorization; and have passed the same rigorous security screening as other airport workers with Customs seals, including a background check and biometrics collection.

163. Defendants’ determination that individuals lacking “authorized residency” “endanger the revenue or the security of the area or pose an unacceptable risk to public health, interest or safety, national security, or aviation safety” when those individuals were found to not do so immediately prior to Defendants’ change in policy is arbitrary and capricious in violation of the APA and should be set aside pursuant to 5 U.S.C. § 706(2)(A).

THIRD CLAIM FOR RELIEF
5 U.S.C. § 706(2)(A)—AGENCY ACTION CONTRARY TO LAW/ARBITRARY AND
CAPRICIOUS

(All Plaintiffs Against All Defendants)
(Interpretation of “Violation of a U.S. Immigration Law”)

164. Plaintiffs repeat and re-allege the allegations contained in the preceding paragraphs of this complaint as if fully set forth herein.

165. 5 U.S.C. § 706(2)(A) provides that a court may declare unlawful and set aside agency actions “not in accordance with law.”

166. Since February 2025, SEIU members with pending asylum claims have received letters informing them that Defendants were immediately revoking their Customs seal due to a supposed violation of U.S. immigration law.

167. Every worker with valid work authorization who passed a background check was previously eligible for a Customs seal.

168. 19 C.F.R. § 122.183(a)(4)(xxxiv) states that CBP may deny issuance of a Customs seal to individuals who have committed various “qualifying offense[s],” including “[a]ny violation of a U.S. immigration law.”

169. On information and belief, CBP changed its interpretation of “violation of a U.S. immigration law” in 19 C.F.R. § 122.183(a)(4)(xxxiv) to apply to individuals who may have committed civil immigration violations and has memorialized this changed interpretation in writing.

170. Defendants’ agency-wide interpretation of the phrase “violation of a U.S. immigration law” in 19 C.F.R. § 122.183(a)(4)(xxxiv) to apply to civil immigration violations constitutes final agency action and is contrary to law.

171. 19 C.F.R. § 122.183(a)(2) describes the list of offenses enumerated in (a)(4) as ones for which the conduct “could lead to a conviction.”

172. 19 C.F.R. § 122.187(a)(2)(iii) likewise references the list of offenses enumerated in § 122.183(a)(4) as those for which an employee may be “arrested for, or charged with” and describes the “prosecution” of such offenses.

173. The preamble to the 2002 regulations likewise describes the addition of the list of enumerated offenses in C.F.R. § 122.183(a)(4): “This paragraph was added to § 122.183 because Customs believes that the issue of established *criminal* conduct is appropriate for detailed treatment in an application context[.]” Access to Customs Security Areas at Airports, 67 Fed. Reg. 48977, 48981 (July 29, 2002) (emphasis added).

174. The text and context of the regulation plainly refer to criminal offenses, not civil violations.

175. Further, CBP has not provided any acknowledgment of or explanation for its policy change, whether a change in interpretation or a change in enforcement.

176. Nor has CBP taken account of the reliance interests of the Individual Plaintiffs and other SEIU members.

177. Accordingly, CBP's interpretation of the "[a]ny violation of a U.S. immigration law" provision to include civil immigration violations is contrary to law and arbitrary and capricious and should be set aside pursuant to 5 U.S.C. § 702(2)(A).

FOURTH CLAIM FOR RELIEF
5 U.S.C. § 706(2)(A)—AGENCY ACTION CONTRARY TO LAW/ARBITRARY AND
CAPRICIOUS

(All Plaintiffs Against All Defendants)
("Violation of a U.S. Immigration Law" 19 C.F.R. § 122.183(a)(4)(xxxiv))

178. Plaintiffs repeat and re-allege the allegations contained in the preceding paragraphs of this complaint as if fully set forth herein.

179. The 2002 IFR's inclusion of the "[a]ny violation of a U.S. immigration law" provision in the initial promulgation of the regulation is arbitrary and capricious.

180. The 2002 IFR, significantly increased the potential grounds for denial and revocation of seals, by adding that any person who "has been arrested for, or charged with" "[a]ny violation of a U.S. immigration law" would lose their seal. 19 C.F.R. §§ 122.183(a)(4)(xxxiv), 122.187(a)(2)(iii).

181. The 2002 IFR stated that CBP "believes that it is useful, wherever practicable, to use similar standards as those of the FAA [Federal Aviation Administration] since the need to address security concerns at airports is universal and the same people will be given access to

areas at airports that are concentric or overlapping under the separate approval regimes of the two agencies.” Access to Customs Security Areas at Airports, 67 Fed. Reg. 48977, 48981 (Jul. 29, 2002).

182. The 2002 IFR copied many of the grounds for Customs seal denial and revocation from a 2001 Final Rule promulgated by the FAA. *See* Criminal History Records Check, 66 Fed. Reg. 63474 (Dec. 6, 2001). The FAA Final Rule provided that an airport worker’s access to the Security Identification Display Area (“SIDA”)—where unescorted workers must display identification issued by an airport or aircraft operator—must be suspended if they are found to have been convicted of a “disqualifying criminal offense.” *Id.*

183. The FAA Final Rule grounds for suspension of access do *not* include “violation of a U.S. immigration law” or any immigration-related ground.

184. There is no logical basis for denying or revoking Customs area access on civil immigration-related grounds where FAA regulations authorize access to areas that are “concentric or overlapping” without regard to immigration. *Id.* An employee whose Customs seal is denied or revoked by CBP for “violation of a U.S. immigration law” may, with no change in immigration history or status, be eligible for a SIDA badge that will allow them, under FAA regulations, to access many or all of the same secure areas as a Customs seal.

185. CBP has not explained how its airport security mission differs from that of the FAA, nor how that difference connects rationally to denial or revocation of access to secure airport areas based on “violation of a U.S. immigration law.”

186. Accordingly, CBP’s initial inclusion of the “[a]ny violation of a U.S. immigration law provision” is contrary to law and arbitrary and capricious and should be set aside pursuant to 5 U.S.C. § 702(2)(A).

FIFTH CLAIM FOR RELIEF
5 U.S.C. § 553—LACK OF NOTICE & COMMENT RULEMAKING

(All Plaintiffs Against All Defendants)

187. Plaintiffs repeat and re-allege the allegations contained in the preceding paragraphs of this complaint as if fully set forth herein.

188. CBP never finalized the 2002 IFR, depriving the public of the opportunity for the agency to consider and respond to comments in promulgating a final version of the regulations.

189. 5 U.S.C. § 553(b) provides that, outside of a few narrow exceptions, an agency engaged in substantive rulemaking must provide notice of proposed rulemaking, provide an opportunity for public comment, and publish a final rule 30 days before the rule’s effective date.

190. In 2002, CBP explained that the agency could forego notice-and-comment rulemaking because prior notice and comment was “unnecessary and contrary to the public interest.” 67 Fed. Reg. 48977, 48983 (July 29, 2002).

191. Regardless of whether CBP’s rationale satisfied the exceptions in 5 U.S.C. § 553(b) in 2002, the agency’s two-decade long failure to finalize the IFR, including by soliciting and responding to public comment as required by law, violates the APA. *See Mid-Tex Elec. Co-op, Inc. v. FERC*, 822 F.2d 1123, 1133 (D.C. Cir. 1987); *Coal. for Parity, Inc. v. Sebelius*, 709 F. Supp. 2d 10, 22–23 (D.D.C. 2010).

192. Once an emergency situation has been eased by the promulgation of interim rules, it is crucial that the permanent regulations that follow are the result of the congressionally-mandated process of notice and comment rulemaking.

193. Accordingly, Defendants’ failure to finalize the 2002 IFR and application of the 2002 IFR to Plaintiffs and other SEIU members is contrary to law in violation of the APA and

actions taken against Individual Plaintiffs and other SEIU members pursuant to the 2002 IFR should be set aside pursuant to 5 U.S.C. § 706(2)(A).

SIXTH CLAIM FOR RELIEF
5 U.S.C. § 707(2)(A)—ARBITRARY AND CAPRICIOUS AGENCY ACTION

(All Plaintiffs Against All Defendants)
(Unlawful Revocation or Denial of Individual Seals)

194. Plaintiffs repeat and re-allege the allegations contained in the preceding paragraphs of this complaint as if fully set forth herein.

195. Each respective revocation letter sent to Individual Plaintiffs Paul, Molina, and Rocha-Cruz, and other SEIU members stated that Defendants had determined that the worker poses “an unacceptable risk to public health, interest or safety, national security, aviation safety, the revenue, or the security of the area,” and were thus revoking the worker’s Customs seal.

196. CBP had previously granted Customs seals to each Individual Plaintiff and other SEIU members, and Individual Plaintiffs and other SEIU members had used those seals to work in Logan Airport and at other airports around the country.

197. The revocation letters, and the letters denying Individual Plaintiffs’ appeals, did not provide any explanation justifying the agency’s determination that they now pose an “unacceptable risk” to national or airport security after CBP had previously determined that they did not pose such a risk and awarded them Customs seals.

198. Nor has CBP provided any explanation justifying the agency’s May 2025 denial of Plaintiff Lemus’s Customs seal application.

199. CBP also revoked the Customs seals of other SEIU members on the basis that they pose “an unacceptable risk to public health, interest or safety, national security, aviation safety, the revenue, or the security of the area.”

200. Defendants’ revocation and/or denial of Individual Plaintiffs’ seals, and the seals of other SEIU members, on the basis that they pose “an unacceptable risk to public health, interest or safety, national security, aviation safety, the revenue, or the security of the area” violates the APA and should be set aside pursuant to 5 U.S.C. § 706(2)(A) because it is arbitrary and capricious.

SEVENTH CLAIM FOR RELIEF
5 U.S.C. §§ 706(1), 706(2)(D)—VIOLATION OF PROCEDURE REQUIRED BY LAW

(All Plaintiffs Against All Defendants)
(Unlawful Revocation of Individual Seals)

201. Plaintiffs repeat and re-allege the allegations contained in the preceding paragraphs of this complaint as if fully set forth herein.

202. Federal agencies are required to follow their own rules and regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

203. The Custom seals regulations, including 19 C.F.R. § 122.183 and 19 C.F.R. § 122.187 are regulations that significantly affect Plaintiffs’ rights and interests.

204. According to CBP regulations, the Port Director must give written notice of a seal revocation to the employee within 10 calendar days of revocation, which must state the specific grounds for revocation and notify the employee of their option to appeal. 19 C.F.R. § 122.187(b)(1).

205. CBP’s notices to Plaintiffs Daysi Rocha Cruz, Raquel Molina, and Saint Paul Paul provided no detailed explanation regarding the reasons for revocation of their seals.

206. Instead, the notices simply mirrored the language of the relevant regulation and included other conclusory language.

207. For example, the notices explain that the individuals have been found to lack authorized residence without explaining what about the individual's immigration status makes that the case.

208. Other SEIU members, including but not limited to members employed at JFK and Logan Airport, also received inadequate and conclusory explanations for the revocation of their seals, in violation of notice requirements.

209. Accordingly, the notices provided no basis for individuals to effectively or meaningfully appeal or contest the revocation of their seals.

210. In addition, CBP failed to adjudicate the May 2025 renewal application of Ms. Lemus or to provide a written decision with a statement of reasons and rights to appeal, if any.

211. Defendants' unlawful revocation without sufficient notice of the seals of Individual Plaintiffs and other SEIU members violated the APA and should be set aside pursuant to 5 U.S.C. § 706(2)(D) because they failed to comply with procedure required by law. In addition, Defendants' failure to act on the renewal application of Ms. Lemus and other SEIU members, which amounts to a constructive denial, violates *id.* § 706(1).

212.

EIGHTH CLAIM FOR RELIEF

5 U.S.C. § 706(2)(B)—UNCONSTITUTIONAL AGENCY ACTION

(All Plaintiffs Against All Defendants) (Unlawful Emergency Revocation)

213. Plaintiffs repeat and re-allege the allegations contained in the preceding paragraphs of this complaint as if fully set forth herein.

214. The APA provides that the reviewing court shall invalidate agency action found to be “contrary to constitutional right, power, privilege, or immunity.” 5 U.S.C. § 706(2)(B).

215. SEIU members including Individual Plaintiffs have a vested property interest, protected by the Fifth Amendment, in continued possession of their Customs seals. The seals are a form of government-created license and are Individual Plaintiffs’ means of pursuing a livelihood.

216. Since CBP revoked their seals, SEIU members including Individual Plaintiffs have been unable to pursue their livelihoods as cabin cleaners. Plaintiff Raquel Molina, who worked as a cabin cleaner for twenty-seven years, has been unable to find alternative work since CBP revoked her Customs seal. Plaintiffs Saint Paul Paul and Daysi Rocha-Cruz have found only non-union positions for lower pay.

217. Customs seal regulations provide for a post-revocation hearing upon the Port Director’s determination that there exists a “genuine issue of fact that is material to the revocation or suspension,” but do not provide for a pre-deprivation opportunity to be heard in SEIU members’ cases, including those of Individual Plaintiffs, whose seals were immediately revoked. 19 C.F.R. § 122.187(c)(2).

218. In the absence of pre-revocation procedural safeguards, a post-revocation hearing is constitutionally inadequate.

219. SEIU members including Individual Plaintiffs have a strong interest in continued possession of their seals, without which they cannot pursue their livelihoods and support themselves and their families.

220. Without pre-revocation procedural safeguards, the risk of erroneous deprivation is high. At least one SEIU member was erroneously deprived of their Customs seal when CBP sent

them a revocation letter based on mistaken information. CBP did not acknowledge the error until after the member had already lost their job based on CBP's erroneous revocation letter.

221. SEIU members including Ms. Lemus never received notice of any kind from CBP regarding the adjudication of their applications to renew their Customs seals.

222. The government lacks any valid interest in emergency revocation of Individual Plaintiffs' Customs seals or refusal to adjudicate renewal applications. The government has no reasonable cause to believe that Individual Plaintiffs, by virtue of their immigration statuses alone, pose a risk to public health, safety, or national security. Collectively, Individual Plaintiffs have worked as cabin cleaners for approximately 36 years in total, during which time they have *protected* public health and safety and our national security interests—including during the Covid-19 pandemic—by ensuring that airplane facilities are in safe and clean condition.

223. Given that 19 C.F.R. § 122.187(b)(1) violates the Fifth Amendment as applied to Individual Plaintiffs and other SEIU members, all agency actions taken pursuant to the regulation should be set aside pursuant to 5 U.S.C. § 706(2)(B).

NINTH CLAIM FOR RELIEF

VIOLATION OF THE FIFTH AMENDMENT – LACK OF PRE-DEPRIVATION

HEARING

(All Plaintiffs Against All Defendants) (Unlawful Emergency Revocation)

224. Plaintiffs repeat and re-allege the allegations contained in the preceding paragraphs of this complaint as if fully set forth herein.

225. For the reasons described above, 19 C.F.R. § 122.187(b)(1) is unconstitutional and violates the Fifth Amendment as applied to SEIU members including Individual Plaintiffs because it authorizes CBP to deprive Customs seal holders of a protected property interest—the

possession of which is essential in the pursuit of a livelihood—without constitutionally adequate process.

226. Given that 19 C.F.R. § 122.187(b)(1) violates the Fifth Amendment as applied to Individual Plaintiffs and other SEIU members, all agency actions taken pursuant to the regulation should be set aside pursuant to 5 U.S.C. § 706(2)(B).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff SEIU, on behalf of its members, and Individual Plaintiffs respectfully request that this Court enter judgment against Defendants and award the following relief:

- A. Declare that Defendants’ recent re-interpretation of 19 CFR §§ 122.183(a) and 122.183(a)(4)(xxxiv), the Customs seal regulations, and the individual Customs seal revocations and denials are unlawful and/or unconstitutional because they violate the APA and the Fifth Amendment.
- B. Declare that 19 C.F.R. § 122.183(a)(4)(xxxiv) is unlawful because it violates the APA.
- C. Enter permanent relief, including but not limited to:
 1. Ordering Defendants to vacate and set aside the revocations and denials of Customs seals from the Individual Plaintiffs and similarly situated SEIU members;
 2. Ordering Defendants to vacate and set aside any final agency action implementing their restrictive 2025 interpretation of “authorized residency” and “violation of a U.S. immigration law” for the purposes of revoking Customs seals from immigrant workers;

3. Vacating and setting aside 19 C.F.R. § 122.183(a)(4)(xxxiv); and
4. Ordering Defendants to provide adequate notice, including detailed reasons for the reason for revocation, and an opportunity to be heard in a pre-deprivation hearing before revoking a Customs seal.

D. Order Defendants to compensate Plaintiffs for their attorneys' fees and costs, under the Equal Access to Justice Act.

E. Grant such other and further relief that this Court deems just and proper.

Dated: July 6, 2026

/s/ Michael J. Wishnie

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*Motion for law student admission
forthcoming

**Motion for pro hac vice admission
forthcoming