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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Ilsa Saravia, as next friend for A.H., a
minor, and on behalf of herself individually
and others similarly situated,

Plaintiff,

v.

William Barr, Attorney General, et al.,

Defendants.

Case No. 3:17-cv-03615-VC

Honorable Vince Chhabria

**ORDER CERTIFYING THE
SETTLEMENT CLASS AND
GRANTING FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

1 Upon consideration of the Plaintiff's Motion for Final Approval of Class Action Settlement
2 and Certification of Settlement Class;

3 WHEREAS, the named Plaintiff alleges that she on behalf of minor A.H. and members of
4 the Settlement Class were injured as a result of Defendants' actions;

5 WHEREAS, the Court issued a class-wide preliminary injunction for a provisionally
6 certified class of Sponsored UCs requiring that the Government establish changed circumstances or
7 dangerousness at a *Saravia* Hearing to justify the Sponsored UC's rearrest and to support continued
8 detention, *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197-98 (N.D. Cal. 2017), *affirmed* 905 F.3d
9 1137 (9th Cir. 2018);

10 WHEREAS, the parties executed a finalized settlement agreement between the parties on
11 September 15, 2020 ("Settlement");

12 WHEREAS, on October 16, 2020, the Court granted preliminary approval of the Settlement,
13 approved the proposed notice plan, and provisionally certified the Settlement Class; and

14 WHEREAS, the Court has considered the Agreement, arguments presented at the fairness
15 hearing held on January 14, 2021, and all other submissions in connection with the parties' request
16 for final approval of the Agreement and certification of the Settlement Class set forth in the
17 Settlement for the purposes of settlement only, and good cause appearing therefor;

18 **IT IS HEREBY ORDERED THAT:**

- 19 1. The Motion is **GRANTED**.

20 **Final Approval of the Settlement**

21 2. The form and method by which notice was given to the Settlement Class met the
22 requirements of due process, Rules 23(c)(2) and 23(e) of the Federal Rules of Civil Procedure,
23 constituted the best notice practicable under the circumstances, and constituted due and sufficient
24 notice to all persons entitled thereto.

25 3. The Court finds that: (a) the Settlement is fair, reasonable, and adequate in
26 accordance with Fed. R. Civ. P. 23(e)(2); (b) the Settlement was negotiated at arm's length by
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1 experienced counsel acting in good faith; and (c) there has been adequate opportunity for
2 experienced counsel to evaluate the claims and risks at this stage of the litigation.

3 4. The Court therefore finds that final approval is appropriate and hereby grants final
4 approval of the Settlement. The parties are directed to consummate the Agreement according to its
5 terms. The Agreement and every term thereof shall be deemed incorporated herein as if explicitly
6 set forth and shall have the full force of an Order of the Court.

7 **Certification of the Settlement Class, Appointment of Settlement Class Representative, and**
8 **Appointment of Lead Counsel**

9 5. The Settlement Agreement is hereby incorporated by reference in this Order, and all
10 terms or phrases used in this Order shall have the same meaning as in the Settlement Agreement

11 6. For purposes of the Settlement, and only for that purpose, and without an
12 adjudication on the merits, pursuant to Rules 23(a) and 23(b)(2) of the Federal Rules of Civil
13 Procedure, the Court finds that the requirements for a class action are met, and hereby defines the
14 following class.

15 7. Pursuant to Fed. R. Civ. P. 23(a) and (b)(2), and (e), the Court certifies, for
16 settlement purposes only, the following Settlement Class comprised of Unaccompanied minors
17 who were detained by the Government, released by the Office of Refugee Resettlement (“ORR”)
18 to a parent or sponsor (“Sponsored UCs”), and subsequently rearrested and detained by the
19 Government on allegations of gang affiliation:

- 20 a. [A]ll noncitizen minors meeting the following criteria: (1) the noncitizen
21 minor came to the United States as an unaccompanied minor; (2) the
22 noncitizen minor was previously detained in ORR custody and then
23 released by ORR to a sponsor; and (3) the noncitizen minor has been or will
24 be rearrested by the Department of Homeland Security on the basis of a
25 removability warrant based in whole or in part on allegations of gang
26 affiliation. This class expressly excludes arrests of noncitizen minors who
27 already are subject to final orders of removal
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1 The Settlement then includes a sub-class specific to Claim 4 (the “Claim 4 Benefits Subclass”),
2 which is defined as follows:

3 b. [This class includes] all Settlement Class Members who also applied for
4 asylum, Special Immigrant Juvenile (“SIJ”) status, T or U nonimmigrant
5 status, or a waiver of inadmissibility or application for adjustment of status
6 that is related to such an application for asylum, SIJ status or T or U
7 nonimmigrant status, before the age of 21, and had or will have an
8 application for asylum, SIJ status, T or U nonimmigrant status, or a waiver
9 of inadmissibility or adjustment of status that is related to such an
10 application denied by U.S. Citizenship and Immigration Services when any
11 information that the noncitizen is or may have been affiliated with a gang
12 is a basis for the denial.

13 The Settlement Class is certified for settlement purposes.

14 8. The Court finds that certification of the Settlement Class is warranted in light of
15 the Settlement under the prerequisites of Federal Rule of Civil Procedure 23(a) because: (1) the
16 members of the Settlement Class are so numerous that joinder is impracticable; (2) there are issues
17 of law and fact common to the Settlement Class; (3) the claims of the named Plaintiff Saravia on
18 behalf of Minor A.H. are typical of the claims of the Settlement Class Members; and (4) Plaintiff’s
19 and Class Counsel will fairly and adequately represent the interests of the Settlement Class
20 Members.

21 9. The Court also finds that certification of the Settlement Class is warranted in light
22 of the Settlement under the requirements of Federal Rule of Civil Procedure 23(b)(2) because
23 Defendants are alleged to have acted or refused to act on grounds that apply generally to the
24 Settlement Class, so that final injunctive relief or corresponding declaratory relief is appropriate
25 respecting the Settlement Class as a whole.

26 10. The Court appoints as class representatives, for settlement purposes only, Plaintiff
27 Ilsa Saravia. The Court finds, for settlement purposes only, that Plaintiff will adequately represent
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1 the Settlement Class.

2 11. Pursuant to Federal Rule of Civil Procedure 23(g), and for settlement purposes only,
3 the Court designates as Class Counsel the law firm of Cooley LLP. The Court finds that, based on
4 the work Class Counsel have done identifying, investigating, and prosecuting the claims in this
5 action; Class Counsel's experience in handling class actions and claims of this type asserted in this
6 Action; Class Counsel's knowledge of the applicable law; and the resources Class Counsel have
7 and will commit to representing the class, that Class Counsel have represented and will represent
8 the interests of the Settlement Class fairly and adequately.

9 **Other Provisions**

10 12. Neither the Settlement, nor any of its terms or provisions, nor any of the negotiations
11 or proceedings in connection with it, shall be construed as an admission or concession by
12 Defendants of the truth of any allegations in the litigation, or of any fault or wrongdoing of any
13 kind, or of a lack of merit of Plaintiff's allegations.


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15 **IT IS SO ORDERED.**

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17 Date: January 19, 2021

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The Honorable Vince Chhabria
United States District Judge

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