

Exhibit EE

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON *et al*,

Plaintiffs,

v.

DONALD TRUMP in his official capacity
as President of the United States, et al.,

Defendants.

NO. 2:18-cv-00939-
MJP

**DECLARATION OF
JENNIFER
FLORIAN-VEGA**

I, Jennifer Florian-Vega, am over eighteen years of age, have personal knowledge of and am competent to testify regarding the facts contained herein, and declare the following:

I am from Guatemala, and I came to the United States with my 11-year-old daughter. We arrived in Texas on the 18th of May, where immigration officers took us to a place they call iceboxes (*hieleras*), because they are very cold, and you freeze in there. When we arrived, we saw other mothers with children who were crying. My daughter asked me why they were crying, and a guard who heard us told us that the same thing was going to happen to us, that we would be separated. My daughter began to cry. We were together until 11 o'clock at night. I covered my daughter with an aluminum blanket so that she would not be cold. The guards called her name, and my daughter asked me, "mommy, why are they calling me?" I

1 told her that everything would be OK. The guards took her to look her over. I could
2 see her through a door with a window. I saw that she was crying. She asked to go to
3 the restroom, she hugged me, and then they took her away. I tried not to cry, even
4 though I had a knot in my throat, so that my daughter would not be scared. I
5 remained in the icebox for three more days without my daughter and without
6 hearing anything from her. They took me to the court. Before entering the court, a
7 lawyer talked to us and told us that we had to declare ourselves guilty, or they
8 would leave us there another 14 days. So, when the judge asked me, I said that I
9 had entered illegally. The judge told us in the group of mothers who were there that
10 we would be able to see our children when we left.

11 But from there they took me to another icebox and I asked about my daughter, and
12 the guards told me that they didn't know anything, that I would not see her again,
13 and they laughed while we were crying. I was there for two days, then they sent us
14 to Laredo. On June 3rd, they took us to the Federal Prison in Washington. One
15 morning they woke us up and took us to Tacoma. They did not tell us why. That
16 was 15 days ago. Recently, 3 days ago, I was able to speak with my daughter. A
17 mother who is detained here gave me a telephone number of a home in Texas
18 where her daughter is, so that I could try to see if my daughter was also there.
19 When I called, I found her, and I was able to speak with her for 15 minutes.

20 I told her that I signed my deportation order and that we would go back to
21 Guatemala soon. I renounced my request for asylum because they separated me
22 from my daughter, and the only thing I want is to be with her once more. 43 days
23 passed without me hearing anything from her. Every time I asked officers about
24 her, they did not know where she was.

25 I declare under penalty of perjury in accordance to the laws of the state of
26 Washington and of the United States of America that the above is true and correct.

1 DATED this 5th day of July, 2018 in Tacoma, Washington.

2 [Signature]

3 Name: Jennifer Florian Vega

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Multilingual CONNECTIONS

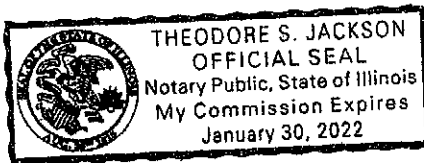
CERTIFICATE OF ACCURACY

I certify that the Declaration of Jennifer Florian was translated into English by a translator and editor working for Multilingual Connections who are both competent and qualified to perform translation into this language. These document has not been translated for a family member, friend, or business associate. I attest that the final target file is an accurate and complete translation of the original Spanish version.

Dionna Masciola

Dionna Masciola
Associate Project Manager
Multilingual Connections, LLC

July 10, 2018
Date



Multilingual Connections, LLC #255450

Subscribed and sworn to before me this
10 day of July, 2018, in
Evanston, County of Cook, State of Illinois.
Notary Public Theodore S. Jackson

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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 STATE OF WASHINGTON, *et al.*,

10 Plaintiffs,

11 v.

12 DONALD TRUMP in his official capacity
as President of the United States, *et al.*,

13 Defendants.

NO. 2:18-cv-00939 - MJP

DECLARACIÓN DE

JENNIFER FLORIAN-VEGA

14 Yo, JENNIFER FLORIAN-VEGA, tengo más de dieciocho años de edad,
15 tengo conocimiento personal y soy competente para testificar sobre los hechos aquí contenidos,
16 y declaro lo siguiente:

17 soy de Guatemala y vine a los Estados Unidos
18 con mi hija de 11 años. Llegamos el 18
19 de Mayo a Texas, donde los oficiales de
20 Migraciones nos llevaron a un lugar que le
21 dicen hieleras porque son muy fríos y congelan
22 allí adentro. Cuando llegamos vimos a otras
23 madres con niños que estaban llorando. Mi
24 hija me preguntó porque lloran, y un guardia
25 que nos escuchó nos dijo que a nosotros

26 DECLARACIÓN DE
JENNIFER FLORIAN-VEGA
2:18-CV-00939 - MJP

Página 1 de 4

OFICINA DEL PROCURADOR GENERAL DE
WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
206-464-7744

1 nos iba a pasar lo mismo, que nos iban a
2 reposar. mi hija empezó a llorar. Estuvimos
3 juntas hasta las 13 de la noche, yo cubrí
4 a mi hija con una manta de aluminio para
5 que no tenga frío. Los guardias llamaron
6 su nombre y mi hija me preguntó "mami
7 porque me llaman". Yo le dije que todo iba
8 a estar bien. La llevaron los guardias
9 a revisarla. Yo podía verla a través
10 de una puerta con ventana, vi que ella
11 estaba llorando. Ella pidió entrar al baño,
12 me abrazó y luego la llevaron. Yo trataba
13 de no llorar aunque tenía un nudo en
14 la garganta, para que mi hija no se
15 asuste. Yo permanecí tres días más en la
16 hielera sin mi hija y sin saber de ella.
17 Me llevaron a la Corte. Antes de entrar
18 a la Corte nos habló una abogada y nos
19 dijo que teníamos que declararnos culpables
20 o nos iban a dejar ahí otros 14 días. Entonces
21 cuando el juez preguntó yo dije que sí había
22 entrado ilegal. El juez nos dijo al grupo de
23 madres que estábamos ahí que íbamos
24 a poder ver a nuestros hijos al salir.

1 Pero de ahí me llevaron a otra vivienda y
2 pregunté sobre mi hija y los guardias
3 me decían que ellos no sabían nada,
4 que no la iba volver a ver, y se reían
5 cuando nosotros llorábamos. Dos días estuve
6 ahí y nos enviaron a Laredo. El 3 de junio
7 nos trajeron a la Prisión Federal en Washington.
8 Una mañana nos despertaron y nos trajeron
9 a Tacoma, no nos informaron para qué. De
10 eso ya hace 15 días. Recién hace 3
11 días pude hablar con mi hija. Una
12 madre que está detenida aquí me
13 dio un número de teléfono de un hogar
14 en Texas donde su hija está, para que
15 yo pruebe a ver si mi hija estaba
16 también ahí. Cuando llamé la encontré
17 y pude hablar con ella 15 minutos.
18 Le conté que firmé mi deportación y
19 que iríamos a Guatemala pronto. Yo le envié
20 a mi pedido de asilo porque me separaron
21 de mi hija y lo único que quiero es
22 volver a estar con ella. Pasaron 43 días
23 que no supe nada de ella. Cada vez

1 que preguntaba a los oficiales por ella no sabían donde
2 estaba.

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7 Declaro bajo pena de perjurio bajo las leyes del estado de Washington y de los Estados
8 Unidos de América que lo anterior es verdadero y correcto.

9 FECHADO este 05 día de Julio, 2018 en Tacoma, Washington.


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12 Nombre: Jennifer Florian Vega

Exhibit FF

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON *et al*,

Plaintiffs,

v.

DONALD TRUMP in his official capacity
as President of the United States, et al.,

Defendants.

NO. 2:18-cv-00939-
MJP

**DECLARATION OF
IBIS GUZMAN
COLINDRES**

I, Ibis Guzman Colindres, am over eighteen years of age, have personal knowledge of and am competent to testify regarding the facts contained herein, and declare the following:

I am from Honduras and I came to the United States with my only son, aged 5 years. When we arrived, the immigration officers took us to the icebox (*la hielera*). It was very cold. The sandwich they gave us was made with frozen bread. About two hours later, they took my little boy from me. They told me that I should give them the boy, they did not tell me where they were going to take him, but that the law was to separate parents from their children. My son was crying because he did not want to be without me. I asked them to leave him with me, but they did not pay any attention. I was there two more days, then they took me to the dog kennel (*la perrera*), where I was for three more days. I did not hear anything about my son for

1 the entire time. In the dog kennel, they told us that we should forget about our
2 children, that they were going to stay in the United States. All of the mothers cried
3 when they told us that. From there, they took us to Laredo. I was there for 15 days,
4 with no contact with my son. They transferred us to Washington on June 3rd to
5 Federal Detention. I was there about 15 more days, still without being able to talk
6 with my son. One Wednesday in the morning, they told us that we would be
7 reunited with our children, but they took us here to the Tacoma Detention Center,
8 which was very sad and disheartening. 6 days after arriving, I was finally able to
9 speak with my son after more than a month and a half of not being able to talk with
10 him. But he didn't want to talk when I called him, he is angry and sad, and he tells
11 me that he only wants to be with me now. When he spoke with my sister, he told
12 her that I brought him here to give him away. It makes me feel very bad to think
13 that he believes that I would do that. I left Honduras because of death threats and
14 am requesting asylum in order to live here in safety with my son.

15 I am very worried for the well-being of my son, and that he would believe that I
16 brought him all the way here just to leave him on his own.

17 I declare under penalty of perjury in accordance to the laws of the state of
18 Washington and of the United States of America that the above is true and correct.

19 DATED this 5th day of July, 2018 in Tacoma, Washington.

20 [Signature]

21 Name: Ibis Guzman

توسيع نطاق الوصول العالمي | Le ayuda a captar múltiples mercados lingüísticos y a expandir su alcance global | Hilfe bei der Erschließung mehrsprachiger Märkte und die globale Reichweite Ihres Unternehmens zu vergrößern | Помощь в освоении многоязычных рынков и глобальном расширении Вашего бизнеса

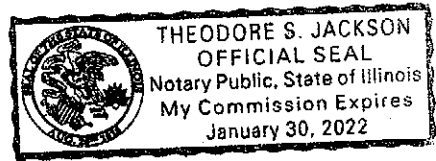
Multilingual CONNECTIONS

CERTIFICATE OF ACCURACY

I certify that the Declaration of Ibis Guzman was translated into English by a translator and editor working for Multilingual Connections who are both competent and qualified to perform translation into this language. These document has not been translated for a family member, friend, or business associate. I attest that the final target file is an accurate and complete translation of the original Spanish version.

Dionna Masciola
Associate Project Manager
Multilingual Connections, LLC

July 10, 2018
Date



Multilingual Connections, LLC #255450

Subscribed and sworn to before me this
10 day of July, 2018, in
Evanston, County of Cook, State of Illinois.
Notary Public Theodore S. Jackson

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 STATE OF WASHINGTON, *et al.*,

10 Plaintiffs,

11 v.

12 DONALD TRUMP in his official capacity
as President of the United States, *et al.*,

13 Defendants.

NO. 2:18-cv-00939 - MJP

DECLARACIÓN DE

IBIS GUZMAN COLINDRES

14
15 Yo, IBIS GUZMAN COLINDRES, tengo más de dieciocho años de edad,
16 tengo conocimiento personal y soy competente para testificar sobre los hechos aquí contenidos,
y declaro lo siguiente:

17 Soy de Honduras y vine a los Estados Unidos
18 con mi único hijo de 5 años. Cuando
19 llegamos los oficiales de migraciones
20 nos llevaron a la hielera hacia
21 mucho frío. El sandwich que nos daban
22 el pan estaba congelado. Como dos
23 horas después me sacaron a mi niño.
24 Me dijeron que entregara al niño, no
25 me dijeron donde lo iban a llevar pero

26 DECLARACIÓN DE
IBIS GUZMAN C.
2:18-CV-00939 - MJP

Página 1 de 4

OFICINA DEL PROCURADOR GENERAL DE
WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
206-464-7744

1 que era la ley separan a los padres de
2 sus hijos. Mi hijo lloraba por que no
3 quería estar sin mí. Yo pedí que me lo
4 dejen pero no me hicieron caso. Estuve
5 ahí dos días más y luego me llevaron
6 a la perrera donde estuve otros tres
7 días, todo este tiempo sin saber de
8 mi hijo. En la perrera nos dijeron que
9 teníamos que olvidarnos de nuestros hijos,
10 que ellos se iban a quedar en Estados
11 Unidos. Todas las madres lloraban, cuando
12 nos decían esto. De ahí nos llevaron
13 a Laredo. Ahí estuve 15 días, aún sin
14 contacto con mi hijo. Nos trasladaron a
15 Washington el 3 de junio a la Detención
16 Federal. Estuve ahí como 15 días más
17 sin poder aún hablar con mi hijo. Un
18 miércoles a la mañana nos despertaron
19 y nos dijeron que nos iban a reunificar
20 con nuestros hijos, pero nos trajeron
21 aquí a la Detención de Tacoma, lo cual
22 fue muy triste y desesperanzador. A los
23 6 días de llegar pude por fin hablar

1 con mi hijo. Luego de más de un mes
2 y medio de no poder hablar con él.
3 Pero él no quiere hablar cuando
4 lo llamo, está enojado y triste y me
5 dice que sólo quiere ya estar con mi hijo.
6 Cuando él habló con mi hermana le
7 dijo que yo lo traje a él aquí para
8 regalarlo, eso me hace sentir muy
9 mal, que él crea que yo le haría
10 eso yo salir de Honduras por amenazas
11 de muerte y estoy pidiendo asilo,
12 para poder vivir aquí con mi hijo
13 seguros.

1 Estoy muy preocupada por el bienestar
2 de mi hijo y que el crea que lo
3 traje hasta aquí para dejarlo solo.
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7 Declaro bajo pena de perjurio bajo las leyes del estado de Washington y de los Estados
8 Unidos de América que lo anterior es verdadero y correcto.

9 FECHADO este 05 día de Julio, 2018 en Tacoma, Washington.

10 Ibis obeyda Guzman

11 Nombre: Ibis Guzman
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Exhibit GG

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON *et al*,

Plaintiffs,

v.

DONALD TRUMP in his official capacity
as President of the United States, et al.,

Defendants.

NO. 2:18-cv-00939-
MJP

**DECLARATION OF
DUNIA GARCÍA
RAMÍREZ**

I, Dunia Garcia Ramirez, am over eighteen years of age, have personal knowledge of and am competent to testify regarding the facts contained herein, and declare the following:

I am from Honduras and I came to the United States with my 8-year-old daughter. When we arrived, I told the immigration officers that I left Honduras because of death threats and requested asylum when they took me to the icebox (*hielera*). We were there for one night and then they took us to the place they call the dog kennel (*perrera*). I was there with my daughter for a day until they took me to the court. I told my daughter that I would see her once I came back from the court. But once they separated me from my daughter, the officers in white told me that I would not see my daughter again, that the children were to be given up for adoption. At that point, all of us mothers began to cry out of fear for our children. After the court, I

1 was in the dog kennel for about two more days. From there, they took me to a jail in
2 Texas, where I spent 9 days without news of my daughter. From there, they
3 transferred me to Washington, to Federal Detention. After being there for a week, I
4 was recently able to speak with my daughter, who is in a home in California. I try
5 to speak with her twice per week so that she feels better. When we speak, she wants
6 to leave where she is and be together once more, she misses me a lot. I am waiting
7 to see what happens with my asylum case, I want to be with my daughter more than
8 anything. My heart aches day and night because I am separated from her. I want for
9 us to be able to live here to have protection and safety for her and for me.

10 I declare under penalty of perjury in accordance to the laws of the state of
11 Washington and of the United States of America that the above is true and correct.

12 DATED this 5th day of July, 2018 in Tacoma, Washington.

13 [Signature]


14 Name: Dunia Sarai Garcia Ramirez
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توسيع نطاق الوصول العالمي Le ayuda a captar múltiples mercados lingüísticos y a expandir su alcance global
mehrsprachigen Märkte zu erschließen und die globale Reichweite Ihres Unternehmens zu vergrößern Помощь в освоении многоязычных рынков и глобальном расширении Вашего бизнеса
Le ayuda a captar múltiples mercados lingüísticos y a expandir su alcance global
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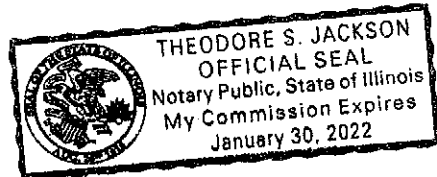
Multilingual CONNECTIONS

CERTIFICATE OF ACCURACY

I certify that the Declaration of Dunia Ramirez was translated into English by a translator and editor working for Multilingual Connections who are both competent and qualified to perform translation into this language. This document has not been translated for a family member, friend, or business associate. I attest that the final target file is an accurate and complete translation of the original Spanish version.


Dionna Masciola
Associate Project Manager
Multilingual Connections, LLC

July 10, 2018
Date



Multilingual Connections, LLC #255450

Subscribed and sworn to before me this
10 day of July, 2018, in
Evanston, County of Cook, State of Illinois.
Notary Public Theodore S. Jackson

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 STATE OF WASHINGTON, *et al.*,

10 Plaintiffs,

11 v.

12 DONALD TRUMP in his official capacity
as President of the United States, *et al.*,

13 Defendants.

NO. 2:18-cv-00939 - MJP

DECLARACIÓN DE

DUNIA GARCÍA RAMÍREZ

14
15 Yo, DUNIA GARCÍA RAMÍREZ, tengo más de dieciocho años de edad,
16 tengo conocimiento personal y soy competente para testificar sobre los hechos aquí contenidos,
y declaro lo siguiente:

17 Soy de Honduras y vine a los Estados
18 Unidos con mi hija de 8 años. Cuando
19 llegamos yo conté a los oficiales de
20 migraciones que salí de Honduras por
21 amenazas de muerte y pedir
22 asilo al llegar a la frontera. Estuvimos
23 allí una noche y nos llevaron a lo que
24 llaman perrera. Allí estuve con mi hija
25 un día hasta que me llevaron a la

26 DECLARACIÓN DE
DUNIA GARCÍA R
2:18-CV-00939 - MJP

Página 1 de 3

OFICINA DEL PROCURADOR GENERAL DE
WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
206-464-7744

1 Corte. Yo te dije a mi hija que la iba
2 a volver a ver después de la Corte.

3 Pero luego de separarme de mi hija
4 las oficiales de blanco me dijeron que
5 a mi niña no la iba a volver a ver
6 que a los niños los iban a dar en adopción.

7 Todas las madres entonces nos pusimos
8 a llorar preocupadas por nuestros niños.

9 Luego de la corte estuve en la perrera
10 como dos días más. De ahí me llevaron

11 a una cárcel en Texas, donde estuve
12 9 días, sin contacto con mi hija.

13 De ahí me trasladaron a Washington,
14 a la Detención Federal. Luego de una semana
15 de estar ahí recién pude hablar con
16 mi hija que está en un hogar en California.

17 Trato de hablar con ella dos veces por
18 semana porque ella se siente mejor
19 cuando hablamos. Ella ya quiere salir
20 de ahí y estar juntas de nuevo, me
21 extraña mucho. Estoy esperando a
22 ver que sucede con mi caso de asilo, quiero
23 más que nada volver a estar con mi hija.

1 me da le el corazón día y noche por estar separada
2 de ella Quiero que podamos vivir aquí para
3 tener protección y seguridad para ella y
4 para mí.
5
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7 Declaro bajo pena de perjurio bajo las leyes del estado de Washington y de los Estados
8 Unidos de América que lo anterior es verdadero y correcto.

9 FECHADO este 05 día de Julio, 2018 en Tacoma, Washington.

10 Dunia Garcia

11 Nombre: Dunia Sarai Garcia Ramirez
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Exhibit HH

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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT SEATTLE**

10 STATE OF WASHINGTON *et al*,

11 Plaintiffs,

12 v.

13 DONALD TRUMP in his official capacity
14 as President of the United States, et al.,

15 Defendants.

NO.2:18-cv-00939-MJP

**DECLARATION OF
SINDY ROSALES-
COREAS**

16 I, Sindy Rosales-Coreas, am over eighteen years of age, have personal
17 knowledge of and am competent to testify regarding the facts contained herein, and
18 declare the following:

19 I am from El Salvador and I came to the United States with my 9-year-old son. We
20 arrived in Texas on May 16th. The immigration agents took me to the icebox
21 (*hielera*), where it was very cold. There was no water to drink, just the tap in the
22 bathroom, or they gave frozen ice water and the bread was also frozen. A few hours
23 later they took us away to take our information. Then they took me and left him in
24 another room, and since then I have not seen him again. They did not let me say
25 goodbye to him. The immigration officers told me that they were going to give my
26 son up for adoption and that I would not see him again. Then, they took me to a
place that is called the dog kennel (*perrera*) for 5 days. There, I asked for my son,

1 and the officers told me once more that they were going to deport me and that they
2 would give him up for adoption. From there, they took me to Laredo, where I was
3 until the 3rd of June. After being there for a week, I was able to talk to my son for
4 about 15 minutes. He is in a home in Arizona. He sounded very sad, and that
5 worries me. On the 3rd of June, they took me to Washington and I was only able to
6 speak with him one more time. The social worker told me that I can only talk to my
7 son once per week. I tried to call him again several times and there was no
8 response. I am requesting asylum because I fled El Salvador because of death
9 threats. I hope to be able to stay here with my son so we can live in safety, but they
10 have not yet told me when I can be with him.

11 I declare under penalty of perjury in accordance to the laws of the state of
12 Washington and of the United States of America that the above is true and correct.

13 DATED this 5th day of July, 2018 in Tacoma, Washington.

14 [Signature]

15 Name: Sindy Rosales
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Multilingual CONNECTIONS

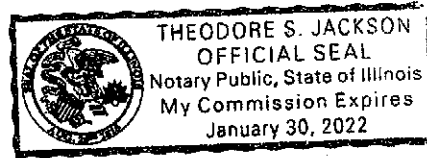
CERTIFICATE OF ACCURACY

I certify that the Declaration of Sindy Rosales was translated into English by a translator and editor working for Multilingual Connections who are both competent and qualified to perform translation into this language. These document has not been translated for a family member, friend, or business associate. I attest that the final target file is an accurate and complete translation of the original Spanish version.

Dionna Masciola

Dionna Masciola
Associate Project Manager
Multilingual Connections, LLC

July 10, 2018
Date



Multilingual Connections, LLC #255450

Subscribed and sworn to before me this

10 day of JULY, 20 18, in

Evanston, County of Cook, State of Illinois.

Notary Public *Theodore S. Jackson*

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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 STATE OF WASHINGTON, *et al.*,

10 Plaintiffs,

11 v.

12 DONALD TRUMP in his official capacity
as President of the United States, *et al.*,

13 Defendants.

NO. 2:18-cv-00939 - MJP

DECLARACIÓN DE

SINDY ROSALES-COREAS

14 Yo, SINDY ROSALES-COREAS, tengo más de dieciocho años de edad,
15 tengo conocimiento personal y soy competente para testificar sobre los hechos aquí contenidos,
16 y declaro lo siguiente:

17 soy de El Salvador y vine a los Estados
18 Unidos con mi hijo de 9 años. Llegamos
19 el 16 de Mayo a Texas. Los agentes
20 de Migraciones nos llevaron a la frontera
21 donde hacía mucho frío. No había agua
22 para beber, solo del grifo en el baño.
23 O nos daban agua con hielo congelado
24 y el pan también congelado. Unas
25 horas después nos sacaron para tomarlos

26 DECLARACIÓN DE
SINDY ROSALES
2:18-CV-00939 - MJP

Página 1 de 3

OFICINA DEL PROCURADOR GENERAL DE
WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
206-464-7744

1 nuestros datos. Luego me sacaron a mí
2 y lo dejaron a él en otro cuarto
3 y desde ahí no lo volví a ver.
4 No me dejaron despedir de él.
5 Los oficiales de Migración me
6 dijeron que a mi hijo lo iban
7 a dar en adopción y no lo
8 iba a volver a ver. De ahí me
9 llevaron a un lugar que le dicen "perrera"
10 por 5 días. Pregunté ahí por mi
11 hijo y otra vez los oficiales me
12 dijeron que a mí me iban a deportar
13 y mi hijo se iba a quedar aquí y
14 lo iban a dar en adopción. De
15 ahí me llevaron a Laredo donde
16 estuve hasta el 3 de junio. Luego
17 de una semana de estar ahí pude hablar
18 con mi hijo como por 15 minutos. Él
19 está en un lugar en Arizona. Lo escuché
20 muy triste y eso me preocupa. El 3 de junio me
21 trasladaron a Washington y aquí
22 sólo una vez más pude hablar con él.
23 Lo trabajador podrá me dijo que le puedo hablar
24 a mi hijo sólo una vez por semana. Yo

1 intento volver a llamarlo varias veces y no contestan. Yo
2 estoy pidiendo asilo porque hui de El Salvador por
3 amenazas de muerte. Espero poder quedarme
4 aquí con mi hijo para vivir seguros pero no me han
5 dicho aún cuando voy a poder estar con él.

7 Declaro bajo pena de perjurio bajo las leyes del estado de Washington y de los Estados
8 Unidos de América que lo anterior es verdadero y correcto.

9 FECHADO este 05 día de Julio, 2018 en Tacoma, Washington.

10 *S. Rosales*

11 Nombre: Sindy Rosales

Exhibit II

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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT SEATTLE**

10 STATE OF WASHINGTON *et al*,

11 Plaintiffs,

12 v.

13 DONALD TRUMP in his official capacity
14 as President of the United States, et al.,

15 Defendants.

NO. 2:18-cv-00939-
MJP

**DECLARATION OF
LESLY MARTINEZ
SORIANO**

16 I, Lesly Martinez Soriano, am over eighteen years of age, have personal
17 knowledge of and am competent to testify regarding the facts contained herein, and
18 declare the following:

19 I am from Honduras and I came to the United States with my two children: my ten-
20 year-old daughter and my 6-year-old son. We decided to leave Honduras because I
21 was being threatened with death and on one occasion people tried to run me over.
22 We arrived in the USA on May 16th. The immigration officers took us to the icebox
23 (*hielera*) where we were for 5 days. We slept on the floor because there were no
24 mattresses, just some aluminum blankets. We were unable to bathe or brush our
25 teeth. An officer said that we stank. We were given bread and ham that was frozen.
26 It was incredibly cold there. The place was full of people, so many that we couldn't
lie down. We slept in the bathroom because there was no space. I was taken to

1 court with my hands and feet cuffed and with a chain around my waist. My children
2 saw all this. My son became afraid and asked me “mommy, are they going to kill
3 you?”, while crying. It hurts me so much to remember that moment, the trauma my
4 son went through, remembering his voice crying out of fear. Since that day, May
5 21st, I have not seen them again. From there, they took me to McCali (tr: McAllen),
6 Texas, then from there to detention in Laredo, where I was for more than 30 days
7 without being able to speak to my children. I tried to call them, but in the home
8 where they told me they were, in New York, no one answered. From Laredo, they
9 took me to Washington at the beginning of June, to Federal Detention. I was there
10 until June 20th, still unable to speak with my children. They woke us up one
11 Wednesday and told us that they were going to reunite us with our children, but
12 they took us here to Tacoma and [the children] weren’t here. It was a complete lie.
13 One week ago, I was able to speak with my daughter for the first time, for about 10
14 minutes. I couldn’t speak with my son. My daughter told me that he didn’t want to
15 be there anymore, that he was just crying and crying and couldn’t speak anymore.
16 They are in a home in New York. I also want to say that in Laredo, in the
17 Detention, the officers treated us very badly. They yelled at us, they gave us dirty
18 clothing. Now, what I want more than anything is to be with my children and to
19 continue with my asylum case to be able to live here in safety, since I am afraid of
20 going back to Honduras. I fear for my life and that of my children if we go back.

21 I declare under penalty of perjury in accordance to the laws of the state of
22 Washington and of the United States of America that the above is true and correct.

23 DATED this 5th day of July, 2018 in Tacoma, Washington.


24 [Signature]

25 Name: Lesly Martinez

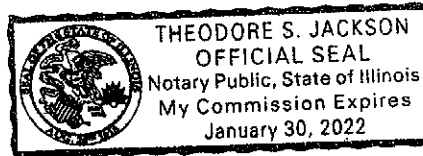
Multilingual CONNECTIONS

CERTIFICATE OF ACCURACY

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Dionna Masciola
Associate Project Manager
Multilingual Connections, LLC

July 10, 2018
Date



Multilingual Connections, LLC #255450

Subscribed and sworn to before me this
10 day of July, 2018, in
Evanston, County of Cook, State of Illinois.
Notary Public Theodore S. Jackson

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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 STATE OF WASHINGTON, *et al.*,

10 Plaintiffs,

11 v.

12 DONALD TRUMP in his official capacity
as President of the United States, *et al.*,

13 Defendants.

NO. 2:18-cv-00939 - MJP

DECLARACIÓN DE

LESLY MARTINEZ SOBRIANO

14 Yo, LESLY MARTINEZ SOBRIANO, tengo más de dieciocho años de edad,
15 tengo conocimiento personal y soy competente para testificar sobre los hechos aquí contenidos,
16 y declaro to siguiente:

17 Soy de Honduras y vine a los Estados
18 Unidos con mis dos hijos; mi hija de diez
19 años y mi hijo de 6 años. Decidimos salir
20 de Honduras porque me estaban amenazando
21 de muerte e incluso una vez intentaron
22 atropellarme. Llegamos a E.E.U.U. el 16 de
23 mayo. Los oficiales de Migraciones nos
24 llevaron a la hielera donde estuvimos 5
25 días. Dormíamos en el piso porque

26 DECLARACIÓN DE
LESLY MARTINEZ SOBRIANO
2:18-CV-00939 - MJP

Página 1 de 1

OFICINA DEL PROCURADOR GENERAL DE
WASHINGTON
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
206-464-7744

1 no habiam colchones, solo unas mantas
2 de aluminio. No nos podiamos bañar ni
3 lavar los dientes, una oficial nos decía
4 qe estosos. Nos daban pan con mortadela
5 congelada hacia muchísimo frío. El lugar
6 estaba repleto de gente, tanto que no
7 podiamos acostarnos. Dormiamos en el
8 baño porque no habia espacio. A mí
9 me llevaron a la Corte, me pusieron esposas
10 en las manos, pies y una cadena en la
11 cintura. Mis hijos vieron todo esto. Mi
12 hijo se asustó y me pregunto "mami,
13 te van a matar", mientras lloraba.
14 Me duele demasiado acordarme de
15 ese momento, del trauma por el que habia
16 pasado mi hijo, acordarme de su voz llorando con
17 miedo. Él es demasiado pequeño para pasar
18 por eso. Desde ese día, 21 de mayo,
19 ya no los volví a ver. De ahí a mí
20 me llevaron a McCall, Texas. De ahí
21 me llevaron a la Detención en Laredo
22 donde estuve más de 30 días, sin
23 poder hablar con mis hijos. Intente
24 llamarlos pero en el lugar que me

1 dijeron estaban en Nueva York no contestaban
2 nadie. De Laredo me trajeron a
3 Washington a inicios de junio a
4 la Detención Federal. Ahí estuve
5 hasta el 20 de junio, aún sin poder
6 hablar con mis hijos. Nos despertaron
7 un miércoles y nos dijeron que nos
8 iban a reunir con nuestros hijos pero
9 nos trajeron aquí a Tacoma y no estaban,
10 eran puras mentiras. Hace una semana
11 pude hablar con mi hija por primera
12 vez, como unos 10 minutos, con mi hijo
13 no pude hablar. Mi hija me dijo que
14 ya no quería estar ahí y solo lloraba
15 y lloraba ya no podía hablar. Están
16 en un Hogar en Nueva York. También
17 quiero decir que en Laredo en la Detención
18 nos trataban muy mal los oficiales, nos
19 gritaban, nos daban ropas viejas. Ahora
20 lo que más quiero es estar con mis
21 hijos, y poder continuar con mi caso
22 de asilo para poder vivir aquí
23 seguros y a que tengo miedo

1 de volver a Honduras. Temo por mi vida
2 y la de mis hijos si regresamos.
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7 Declaro bajo pena de perjurio bajo las leyes del estado de Washington y de los Estados
8 Unidos de América que lo anterior es verdadero y correcto.

9 FECHADO este 05 día de Julio, 2018 en Tacoma, Washington.

10 Lesly Martinez
11 Nombre: Lesly Martinez
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Exhibit JJ

Exhibit JJ

The New York Times

Sponsors of Migrant Children Face Steep Transport Fees and Red Tape

By Miriam Jordan

July 1, 2018

LOS ANGELES — Marlon Parada, a construction worker in Los Angeles, already was worried when he got an urgent call from his cousin in Honduras, asking if he would agree to take in the cousin's 14-year-old daughter. She'd been taken from her mother while attempting to cross the border and detained in Houston, he said. She couldn't be released unless a family member agreed to take her in.

Mr. Parada, an immigrant himself who is supporting his wife and three daughters on \$3,000 a month, wondered how he could afford to take on another responsibility. Then he learned that he would have to pay \$1,800 to fly Anyi and an escort from Houston to Los Angeles.

"It caught me by surprise when they demanded all that money. I asked them to just put her on a bus, but they wouldn't," said Mr. Parada, who scrambled to amass the cash from friends and wired it to the operator of the migrant shelter where Anyi was being held.

But that was only one of the hurdles he would have to surmount to take custody of the girl. Families hoping to win release for the thousands of migrant children being held by federal immigration authorities are finding they have to navigate an exhausting, intimidating — and sometimes expensive — thicket of requirements before the youngsters can be released.

Candidates for sponsorship must produce a plethora of documents to prove they are legitimate relatives and financially capable sponsors, including rent receipts, utility bills and proof of income. Home visits are increasingly common as part of the process. And once those conditions are met, many families must pay hundreds or even thousands of dollars in airfare to bring the children home.

“The government is creating impossible barriers and penalizing poverty,” said Neha Desai, director of immigration at the National Center for Youth Law in Oakland.

An estimated 11,000 children and teenagers apprehended after crossing the border are currently housed in up to 100 government-contracted facilities across the country. Their numbers have grown in recent weeks as the Trump administration has imposed a “zero-tolerance” policy on border enforcement, purporting to end the strategy of “catch and release” under which migrants were often allowed to go free pending hearings in the immigration courts.

Under the most controversial part of the new strategy, more than 2,300 children were separated from their families and placed in shelters occupied mainly by young people who had made their way across the border alone. President Trump relented last week and ordered that families be kept together whenever possible, but authorities now are struggling to process the estimated 2,000 separated children still remaining in federal facilities.

The Office of Refugee Resettlement, which has official custody of migrant children under detention and establishes conditions for releasing them, has made it clear that the requirements are intended to make sure children are not released to traffickers, and will be well cared for in their new homes.

In testimony to the Senate in late April, Steven Wagner, the acting assistant secretary of health and human services, said that in assessing a sponsor’s suitability, the agency “evaluates the sponsor’s ability to provide for the child’s physical and mental well-being, but also the sponsor’s ability to ensure the child’s presence at future immigration proceedings.”



Marlon Parada with Anyi at the Esperanza Immigrant Rights Project in Los Angeles.
Rozette Rago for The New York Times

The requirement for sponsors to pay transportation costs has long been part of the agency's procedures and was not initiated by the Trump administration, officials said.

Immigrant advocates say that migrant families often have spent their entire savings to reach the United States border, and their relatives in the United States may not have much money, either.

One potential sponsor was rejected recently because authorities decided she could not afford the child's medication, Ms. Desai said. A mother of two was told that her house was not large enough to accommodate a third child. Another was told that she had to move to a better neighborhood if she wanted to be approved.

A new condition requires that all adults in the household where a migrant child will reside submit fingerprints to Immigration and Customs Enforcement. Such a requirement has intimidated many undocumented immigrants, who represent the majority of sponsors but fear being targeted for deportation themselves.

“Previously, people readily identified themselves” to sponsor a child, said Lisa Rivera, managing attorney at the New York Legal Assistance Group. But, she added, “This is not an environment where someone is going to call and say, ‘I want to take my child, niece or nephew.’ They have to find someone who has legal status.”

A Guatemalan immigrant in New York dreaded submitting her fingerprints in order to sponsor two teenage family members being detained at a shelter in Texas, but felt she had no choice.

“I wouldn’t even be able to ask someone else to be their sponsor. All my family and friends are undocumented and afraid,” said the woman, who declined to be identified by name because she fears attracting the attention of authorities.

The last straw: She had to borrow money to pay the \$2,500 to fly them earlier this year from Texas to New York, where she lives.

“It was a nearly impossible amount for a single mother earning \$200 a week,” said Crystal Fleming, the lawyer at the Legal Assistance Group representing the teenagers.

Brenda, a Salvadoran migrant who was separated from her 7-year-old son Kevin at the border on May 27, was charged \$576.20 to cover the boy’s airfare from Miami to Virginia. His escort collected the money order at Washington Dulles airport on Friday upon handing over the child to his mother.

“I was shocked that they had to pay for the boy’s airfare,” said Astrid Lockwood, the lawyer for the mother and child, who had been held at a shelter in Florida. Ms. Lockwood said that in a decade of practicing immigration law she had never seen this requirement, but noted that she also had not encountered children placed in facilities thousands of miles from their ultimate destination, as has occurred in recent weeks.

Brenda Garcia and Kevin leave Dulles Airport with their family on Friday.
Ryan Christopher Jones for The New York Times

Under the policy manual of the Office of Refugee Resettlement, sponsors are responsible for paying transportation costs for both the child and any escort, along with fees charged by airlines for handling transport of unaccompanied minors.

The payment requirement was also in place during the Obama administration, though in 2016, when a surge of families crossing the border created large populations in migrant shelters, it was waived. Shelter operators were instructed to pay for transportation to enable families to reunite more quickly, and were then reimbursed by the government, said Bob Carey, who led the refugee resettlement office during the Obama administration.

The thinking was, “It’s counterintuitive to keep a child in care,” he said.

“The human cost incurred aside,” he added, “the financial cost for the government is significant. One day of care could cover transportation costs.”

Each day that a child remains in a facility costs the government upwards of \$600 a day, and costs can rise to as much as \$1,000 daily if a provider has to absorb new children on short notice, Mr. Carey said.

On a case-by-case basis, immigrant families sometimes get help with transport costs. Nonprofits may help cover the airfare. Sometimes lawyers and other advocates convince a child's case manager to reduce the travel fee or waive it altogether due to hardship.

A shelter in South Texas asked a Salvadoran woman for \$4,000 to fly her niece, 12, and nephew, 10, with an escort to California. They were there a month, until she convinced them that she could not pay, said Fred Morris, president of the San Fernando Valley Refugee Children Center, a nonprofit that helped her locate the children. The siblings arrived in Los Angeles on Saturday.

It took Oscar Garcia of Anaheim, Calif., a month to complete the paperwork to sponsor his nephew, Diego, 11, who was held at a facility in southern Texas after crossing the border from El Salvador. As part of the process, Mr. Garcia, a father of three who does remodeling work on homes, sent pictures of his two-bedroom house to the case manager via Whatsapp. He also submitted fingerprints for a background check.

"When everything was done, they told me it would cost \$1,400 to bring the boy here," he recalled. He borrowed \$900 from his brother-in-law and depleted his \$500 in savings to afford tickets for the boy and an escort. The child landed in Los Angeles in May.

"I didn't want to leave him stuck there," said Mr. Garcia.

In the case of the Parada family in Los Angeles, Mr. Parada said both Anyi and her mother had been through a lot in their journey and subsequent detention, and he knew it was important to get the girl out of the shelter as quickly as he could.

Mother and daughter had traveled over land by bus and car to reach the southwest border in early May. After wading through the Rio Grande to reach Texas, they were promptly intercepted by the Border Patrol, Anyi told her family. They were then separated: Anyi's mother was transferred to a detention center in Seattle; the girl was transported to Casa Quetzal, a shelter for minors in Houston that is operated by Southwest Key, one of the country's largest shelter operators for minors.

The separation prompted Anyi's father in Honduras to reach out to his cousin in California.

After compiling dozens of documents and submitting his fingerprints for a background check, Mr. Parada learned that he would have to pay the \$1,800 in airfare: one way for the girl, round trip for her escort.

“They notified me a day before her release,” he said. “I had no choice.”

A version of this article appears in print on June 30, 2018, on Page A19 of the New York edition with the headline: To Retrieve Detainee, Enter Mess of Red Tape And Buy \$2,500 Flight

Exhibit KK

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Plaintiffs*
**Admitted Pro Hac Vice*

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MS. L, et al.,
Petitioners-Plaintiffs,
vs.
U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT, et
al.,
Respondents-Defendants.

Case No. 18cv428 DMS MDD

**JOINT STATUS REPORT
REGARDING REUNIFICATION**

On July 10, 2018, this Court held a status conference, and ordered the parties to file a joint report on July 11, 2018 regarding the ongoing reunification process. The parties submit this joint status report in accordance with the Court’s instruction.

I. DEFENDANTS’ POSITIONS

A. Defendants are in Compliance With The Court’s Order

Defendants are in compliance with the Court’s order. Defendants have now reunified 57 children identified by Defendants and this Court as eligible for reunification at the status conference on July 10, 2018. Of the 63 identified by the Court, 6 were ultimately determined not to be eligible for reunification after further information was obtained regarding either parentage or the criminal background of the parent. Additionally, Defendants identified one additional family with a child

1 under age 5 that was eligible for reunification, and was able to reunify that family
2 as well.

3 For these children, cases were resolved as follows:
4

- 5 • 6 were determined not to be eligible for reunification following completion
6 of parentage and background checks:
 - 7 ○ 3 had parents with serious criminal history
 - 8 ○ 1 was excluded because the accompanying adult was not the parent of
9 that child
 - 10 ○ 1 was excluded on suspicion of not being the parent or of posing a risk
11 to the child, because the accompanying adult presented a false birth
12 certificate
 - 13 ○ 1 had a parent who was determined to be in the custody of the U.S.
14 Marshals, not in ICE custody as previously believed
- 15 • 38 were reunified on or before July 10, 2018
- 16 • 19 were reunified on July 11, 2018 (this number includes one additional child
17 who was identified by Defendants since their last submission to this Court)
- 18 • 1 was reunified by 6:00 a.m. local time on July 12, 2018.

19 For the 20 children who were reunified on July 11 and 12, 2018,
20 transportation arrangements had been made on July 10, but could not be completed
21 for logistical reasons specific to each case until July 11 and July 12. Defendants
22 detail below the reasons for any delay in reunification, as well as the reasons why
23 21 of the parents of children originally believed to be class members were
24 ultimately determined not to be members of the class due to criminal history,
25 danger to the child, or not being the parent.
26
27
28

Criminal background of adults excluded from the class:

1. Warrant for murder in Guatemala
2. Child cruelty and narcotics convictions
3. Suspected transnational criminal organization involvement and human trafficking
4. Outstanding criminal warrant in El Salvador
5. 2 DUI convictions
6. Significant criminal history including assault conviction
7. Outstanding warrant in Florida for DUI
8. DUIs, assault, stolen vehicle
9. Robbery conviction
10. Wanted by El Salvador
11. Criminal charges including assault

Not a parent or parentage in question:

12. Adult said he is uncle, not father
13. Negative DNA match, adult indicated he is not the child's father
14. Adult said she is grandmother, not mother
15. During DNA testing, adult disclosed she is not the child's mother
16. Negative DNA match, still under investigation
17. Adult disclosed that she is grandmother, not the parent
18. Adult presented false birth certificate, still under investigation

Release presents danger to the child:

19. Before court order, adult was required to submit information and fingerprints of other adults in household where she will live with the child; background check on adult male in household shows an active warrant for aggravated criminal sexual assault of a 10-year-old female.
20. Child made allegations of abuse against adult

Communicable Disease

21. Parent is being treated for communicable disease in ICE custody

Reunifications completed on July 11 and 12:

1. Reunification in ICE custody completed at midnight Pacific time on 7/10, 3:00 a.m. Eastern on 7/11
2. Reunification was scheduled for 10:30 p.m. Pacific time on 7/10, 12:30 am Central time on 7/11

- 1 3. Reunification was scheduled for 10:30 p.m. Pacific time on 7/10, 12:30 am
Central time on 7/11
- 2 4. Parental verification was not complete; adult and child were in distant
- 3 locations in New York state, reunification occurred before noon on 7/11.
- 4 5. Reunification was scheduled for 10:30 p.m. Pacific time on 7/10, 12:30 am
Central time on 7/11
- 5 6. Reunification was scheduled for 10:30 p.m. Pacific time on 7/10, 12:30 am
Central time on 7/11
- 6 7. Reunification in ICE custody completed at midnight Pacific time on 7/10,
7 3:00 a.m. Eastern on 7/11
- 8 8. Reunification was scheduled for 10:30 p.m. Pacific time on 7/10, 12:30 am
Central time on 7/11
- 9 9. Parental verification was not complete; child placed on flight at 9:55 p.m.
Pacific time 7/10, reunification occurred at 5:35 a.m. Eastern 7/11
- 10 10. Parental verification was not complete; Texas, reunification complete 7/11
- 11 11. Parental verification was not complete; adult was in Texas and child was in
Maryland, reunification completed on 7/11
- 12 12. Parental verification was not complete; Texas, reunification complete 7/11
- 13 13. Parental verification was not complete; Texas, reunification complete 7/11
- 14 14. Parental verification was not complete; parent was in Louisiana and child in
New York, reunification completed 6:00 a.m. on 7/12
- 15 15. Parental verification was not complete; parent was in Texas and child in
Arizona, reunification completed on 7/11
- 16 16. Parental verification was not complete; child was in New York and parent
was released to the interior, reunification in Georgia complete 7/11
- 17 17. Parental verification was not complete; discharge was coordinated with
18 discharge of sibling 5 years of age or older, reunification completed on 7/11
- 19 18. Parental verification was not complete; child was in New York and parent
was released to the interior, reunification in Georgia complete 7/11
- 20 19. Parental verification was not complete; child was in New York and parent
was released to the interior in Texas, reunification complete in Texas 7/11
- 21 20. Parental verification was not complete; child was in Illinois and parent was
22 released to the interior, reunification in Texas complete 7/11

23 The 23 remaining children aged 0–4, who HHS originally listed as possible
24 candidates for reunification under the Court’s order, cannot currently be reunified
25 with their parents because: their parents are in criminal custody (11), or their
26
27
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1 parents have been removed (12) and they will be considered for reunification on a
2 timetable to be determined as Plaintiffs and Defendants work together to locate
3 those parents and determined if they wish to be reunified. One child on the original
4 list has a parent who may or may not be a United States citizen (insufficient
5 information is available to make this determination, and the parent and others are
6 not available to provide that information). The child was separated from her parent
7 in 2015 when her parent was arrested on an outstanding warrant by the U.S.
8 Marshals Service. Defendants have not been aware of the parent's location since
9 then and they remain unable to locate that parent. Because the parent is not
10 available, it is not possible to reunite the child with the parent. Unless the parent is
11 located, HHS will provide care and seek placement for the child using its ordinary
12 programs and procedures.
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16

17 **B. HHS Truncated Processes to Comply With the July 10, 2018 Order**

18 In its July 10, 2018 ruling and order, the Court instructed Defendants to
19 release children on Defendants' list who Defendants associated with adults in ICE
20 custody, and whose affirmative parental verification, including DNA testing, had
21 not yet been completed. The Court also instructed that reunification should not be
22 delayed for HHS to affirmatively verify parental status.
23
24

25 There were 16 such adults in ICE custody. Of those: 1 was found to be in
26 Marshal's custody, not in ICE custody; 1 DNA test result came back negative prior
27
28

1 to the Court's deadline, causing good faith concern about parentage and risk to the
2 child; and 1 was found to have presented a false birth certificate, also causing good
3 faith concern about parentage and risk to the child. For the other 13 adults, HHS
4 transferred the children to ICE for reunification with those adults without further
5 parental verification process.
6

7 The Court's order also required Defendants, by the Court's deadline, to
8 reunify 8 children who Defendants had associated with adults previously released
9 to the interior of the United States. At the time of the Court's order, HHS had not
10 yet completed parental verification of those purported parents, nor had HHS
11 received all biographical or fingerprint information that it requested for any other
12 adults who would be living in the same household upon release of the child.¹ HHS
13 was able to confirm parentage of 1 of the 8 adults prior to the deadline. For the
14 remaining 7 of the 8 adults, in compliance with the Court's order, HHS released
15 the children to the adults despite not having completed its affirmative verification
16 that those adults were the parents. HHS also did not complete any background
17 checks on other adults living in the same households as the children upon release.
18
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21

22 **C. Reunification With Removed Parents**

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25 ¹ In at least one instance where background investigations of cohabitants were
26 completed prior to the Court's deadline, HHS found that an adult in the household
27 had an outstanding warrant for aggravated sexual abuse of a 10-year-old child.
28

1 With regard to those children whose parents are removed, Defendants are
2 working with Plaintiffs' counsel to locate those parents and to provide them notice
3 to determine if they wish to be reunified with their children. It is difficult to
4 determine how much time will be necessary for those reunification until the
5 parents are contacted and it can be determined what those reunifications would
6 entail. Defendants ask the Court to allow those reunifications to occur on a flexible
7 schedule, and propose that for each such child for whom reunification is requested,
8 once the parent is located and the request for reunification is made, Defendants
9 will work with Plaintiffs' counsel to identify the steps that need to be taken for
10 reunification and determine a reasonable amount of time to complete that process.
11 If the Court is inclined to set a definitive timeframe, Defendants request that any
12 deadline begin on the date that Defendants receive travel documents for the child.
13
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17 **C. Individuals in State Custody**

18 Defendants understand that Plaintiffs will reach out to class members in state
19 criminal custody to ensure that they contact ORR following their release if they
20 wish to be reunified with their child. Defendants will provide Plaintiffs with any
21 information they have about class members who are sent to state criminal custody
22 to assist in these communications.
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D. Reporting:

1
2 Defendants agree that no later than July 13, 2018, they will provide
3 Plaintiffs' counsel with a list of identified class members in ICE custody.
4 Defendants also agree that no later than July 13, 2018, they will provide Plaintiffs'
5 counsel with a list of identified children of class members. Defendants agree to
6 meet and confer with Plaintiffs about the provision of additional information.
7 Defendants are aware that Plaintiffs are requesting to receive a chart with the level
8 of detail that was provided regarding the minors under-age-5, however the
9 compilation of that information took a significant amount of time on the part of
10 operators whose time would be better spent facilitating reunification and
11 production of the same level of detail on a much larger scale is not operationally
12 feasible under the current timeframes. Defendants request the opportunity to
13 continue to meet and confer with Plaintiffs to see if there is an option that would
14 provide Plaintiffs with the information that they need while minimizing demands
15 on the part of agency operators.
16
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20

21 **II. PLAINTIFFS' POSITIONS**

22 **A. Reunifications of Children Under Five**

23 1. As of today, Defendants represent that they have reunified 58 Class
24 Members. Of the 103 Class Members Defendants initially identified, apparently
25 10 remain in criminal custody, 12 were deported, and 23 have apparently dropped
26 out of the class or are not eligible for reunification at this time, either because they
27
28

1 had criminal histories, evidence of abuse, communicable diseases, or they were not
2 actually the parents.

3 2. Plaintiffs have not yet received any specific information about most of
4 the 23 individuals who Defendants claim have dropped out of the class or are
5 ineligible for reunification. Plaintiffs have therefore not been able to verify
6 whether those parents are, indeed, Class Members eligible for reunification at this
7 time. Plaintiffs have also not been able to determine whether any criminal
8 convictions those parents have render them a danger to their children—and
9 therefore not entitled to reunification at all—or merely not Class Members.

10 3. As for the 58 parents whom Defendants have apparently reunified,
11 Plaintiffs have no independent verification that these 58 parents have in fact been
12 reunited with their children. During the meet and confer process leading up to July
13 10, Defendants claimed that they would provide Plaintiffs' counsel with notice of
14 the time and place for each reunification, so that Plaintiffs' counsel could arrange
15 for private and NGO service providers to assist the families and verify
16 reunification. This did not happen. Defendants did not provide specific time and
17 place information for a single Class Member. Instead, Defendants only provided a
18 general prediction about how most Class Members would be reunified.

19 Defendants' lack of communication about reunification logistics caused
20 significant problems over the last three days. Plaintiffs are now hearing about a
21 number of troubling situations from service providers and attorneys for Class
22 Members and their children. These problems include:

- 23 • ICE left one Class Member alone at a bus stop with her children, one of
24 whom was six months old. Through a series of phone calls between the
25 Class Member, her attorney, and another advocate, the Class Member
26 finally obtained a bus ticket on Tuesday around midnight.

27

28

- 1 • One Class Member was transported through a series of ICE facilities in
2 New Jersey and Michigan in a matter of days, with no prior notice to his
3 counsel. ICE refused access to his counsel while he was detained in
4 Michigan. Despite repeated requests by both the Class Member and his
5 lawyer, ICE did not allow his counsel to be present at the point of
6 reunification.
- 7 • A Class Member was kept in an ICE office for most of the day of her
8 originally-scheduled reunification. ORR had processed her children for
9 release that day. ICE officers attempted to process her for release on an
10 ankle monitor. Due to an apparent computer malfunction, the officers
11 were unable to complete the process. At the end of the business day, the
12 ICE officers ceased their attempts and told the mother that she would be
13 sent back to detention without her children.

14 **B. Parents Deported Without Their Children**

15 1. Twelve Class Members with children under 5 remain separated, because
16 they have already been deported. Plaintiffs and their NGO partners are in the
17 process of trying to contact these parents. For those deported Class Members who
18 choose to be reunited with their children, Plaintiffs propose that the Court order
19 Defendants to reunify them within 7 days after the parent obtains travel documents
20 for the child. This deadline will ensure that these Class Members are promptly
21 reunified, and that any delay in obtaining travel documents does not affect
22 Defendants' obligations.

23 2. Defendants have represented that case-specific complications might
24 necessitate further delay. In that situation, Plaintiffs propose that the parties meet
25 and confer about any individual case where the government presents specific,
26 concrete reasons why 7 days is not sufficient. If any disputes remain, the parties
27 can submit the dispute to the Court for a ruling. But the Court should reject any
28

1 request from Defendants to extend or avoid setting a deadline, which may lead to
2 indefinite delay. Indeed, to date, Plaintiffs are not aware of any specific steps
3 Defendants have taken even to locate these 12 Class Members.

4 **C. Costs of Reunification**

5 Plaintiffs' counsel have heard reports that some Class Members have been
6 asked to pay for the costs of reunification, such as transportation costs (and
7 possibly DNA testing). For example, Plaintiffs' counsel was informed that one
8 Class Member was initially told to wire around \$1,900 to Western Union to pay for
9 reunification; another Class member arranged to pay for a plane ticket before being
10 told to cancel the ticket because someone else was purchasing a flight for the child.

11 It is not acceptable for Defendants to make compliance with this Court's
12 injunction contingent on Class Members paying thousands of dollars to reunify
13 with their children. Plaintiffs therefore ask the Court to order Defendants not to
14 charge Class Members for any of the costs of reunification, including DNA testing
15 and air travel, and to reimburse any individuals who were in fact charged.

16 **D. Remedies for Non-Compliance**

17 Defendants claim that only 58 parents were eligible for reunification as of
18 the July 10 deadline. As noted above, Plaintiffs have not been given sufficient
19 information to verify the accuracy of that eligibility number.

20 In any event, Defendants concede that they did not meet the July 10 deadline
21 even for these 58 Class Members. This morning, Defendants informed Plaintiffs'
22 counsel that only 38 Class Members were reunified by the Court's deadline. The
23 other 20 children were not returned to their parents until after July 10. In light of
24 this non-compliance, Plaintiffs propose specific remedies in order to ensure that
25 Defendants do not miss future deadlines. *See infra* Section E.

26 **E. Class Members with Children 5 and Older**

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1 As noted above, Plaintiffs believe that open communication and planning in
2 advance are critical to ensure that Defendants do not miss the future deadlines
3 ordered by the Court.

4 The past week has highlighted these concerns. Plaintiffs wrote to
5 government counsel on July 2 to ask for a list of class members and reunification
6 plans. The government did not provide any of this information before the July 6
7 status conference, when the Court ordered Defendants to produce the list the next
8 day. That list, however, did not contain the parents' names or A numbers.
9 Defendants did not provide that critical information necessary to locate and track
10 Class Members until the next day—two days before the deadline.

11 When the deadline arrived, Defendants had not completed parentage
12 verification or background checks for many of the class members with children
13 under 5. The failure to complete these steps in advance delayed reunification for
14 more than a dozen class members until after the deadline. And despite promising
15 to provide advance notice of the time and place for each reunification, Defendants
16 provided no specific information to Plaintiffs' counsel. As a result, Class
17 Members' individual lawyers and service providers were left frantically scrambling
18 to find their clients and provide support.

19 The following seven (7) steps are designed to address each of these failures:

20 1. Defendants must provide Plaintiffs with a Class List for the remaining
21 Class Members by Monday, July 16, with all of the information that Defendants
22 provided for the children under 5. To ensure that reunification plans are not
23 formulated haphazardly at the last minute, this Class List should also contain
24 complete information regarding Defendants' plans for reunifying each Class
25 Member, which was not provided for the children under 5.

26 2. Defendants must complete all parentage verifications and background
27 checks by Thursday, July 19. These steps, which must be completed prior to
28

1 reunification, should already be in progress or completed. One week from today
2 should be more than enough time to complete them.

3 3. Starting Tuesday, July 17—the day after Defendants must provide the
4 Class List (see above, item 1)—Defendants should file with the Court a daily
5 report regarding the number of reunifications that have occurred that day.

6 4. Defendants must provide Plaintiffs’ counsel, as well as Class Members’
7 immigration lawyers (if any), with at least 24 hours advance notice of the time,
8 place, and location of reunification. Defendants should also allow Class Members’
9 immigration counsel access to the site of reunification.

10 5. For separated parents whom Defendants determine are not Class
11 Members, Defendants must provide Plaintiffs’ counsel with detailed reasons why a
12 putative Class Member was excluded from the Class List, including, at a
13 minimum: any criminal convictions or charges; any allegations of abuse or
14 unfitness; or the specific reasons why parentage could not be verified.

15 6. If Defendants choose to reunite Class Members in family detention
16 facilities, they should provide immediate access to immigration lawyers who can
17 advise the Class Members of their rights. DHS facilities frequently place
18 unwarranted restrictions on counsel access, such as limiting the rooms available to
19 meet with lawyers, or adopting restrictive phone policies. Any lawyer seeking to
20 meet with a Ms. L. Class Member should be provided immediate access to a
21 private facility where the Class Member can be counseled on his or her rights.
22 This is particularly important if that Class Member has received a removal order.

23 7. Defendants must establish a fund to pay for professional mental health
24 counseling, which will be used to treat children who are suffering from severe
25 trauma as a result of their forcible separation from their parents. The amount can
26 be set at a later time, subject to further negotiations between the parties and rulings
27 from the Court. Although many medical professionals have graciously offered pro
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1 bono services for the children, who plainly are in desperate need of counseling,
2 these medical professionals should not have to assume the costs associated with the
3 government's policy, especially not their out-of-pocket expenses.

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1 DATED: July 13, 2018

Respectfully submitted,

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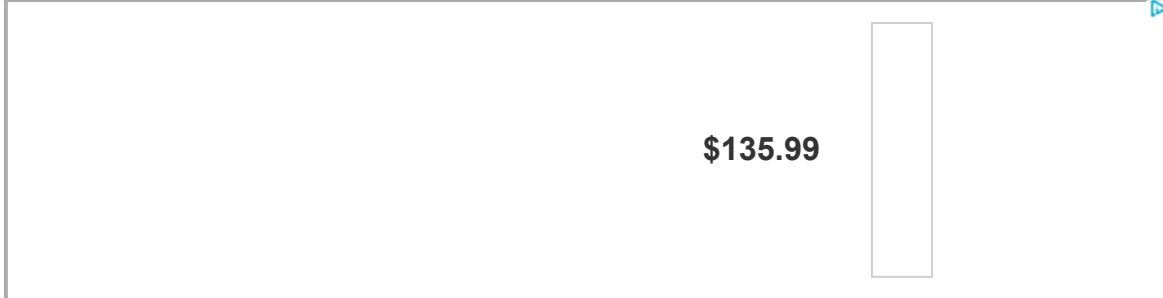
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Trump's Office of Refugee Resettlement Is Budgeting for a Surge in Child Separations

The agency is planning to move funds for refugees and HIV/AIDS patients to cover the possible costs.

By MARK JOSEPH STERN
JULY 10, 2018 • 2:57 PM

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View of a temporary detention center for illegal underage immigrants in Tornillo, Texas, on June 18. Herika Martinez/AFP/Getty Images

The Office of Refugee Resettlement is preparing for the possibility of another surge in family separations. Internal documents obtained by Slate show that ORR has modeled a scenario in which the Trump administration's border policies could require the detention of thousands more immigrant children.

ORR—an agency within the Administration for Children and Families, which is itself a division of the Department of Health and Human Services—was caught off guard by the family separation policy, the documents reveal. In April, Attorney General Jeff Sessions announced that the Department of Justice would henceforth have “zero tolerance” for immigrants who cross the border without authorization. He expanded the policy in May by partnering with the Department of Homeland

Security to prosecute immigrants for unlawful border crossing, a misdemeanor. Under zero tolerance, parents are imprisoned, and children are placed in ORR shelters, sometimes far from the border.

There are currently about 11,800 children in ORR's care. Alex Azar, the secretary of the Department of Health and Human Services, has stated that somewhere between 2,000 and 3,000 of those children were separated from their parents at the border. The remaining children in ORR custody are unaccompanied minors—children who crossed the border without a parent or guardian.

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In the documents obtained by Slate, ORR officials describe the budget implications of a potential surge in immigrant minors over the next three months. The ORR's budgeting exercise is premised on the possibility that the agency could need as many as 25,400 beds for immigrant minors by the end of the calendar year. The documents do not indicate that ORR officials have specific knowledge that family separations will increase but do show that the agency is preparing for the possibility.

The internal documents estimate that if 25,400 beds are needed, ORR would face a budget shortfall of \$585 million for ORR in fiscal year 2018, which ends on Sept. 30. Under this scenario, that shortfall would increase to \$1.3 billion in the first quarter of fiscal year 2019, adding up to a total shortfall of \$1.9 billion for the period between Oct. 1, 2017, and Dec. 31, 2018. The documents stress that these budget estimates represent maximum possible expenditures and that actual expenses may be lower. The Department of Health and Human Services did not respond to multiple requests for comment about these figures or anything else relating to the documents.

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To help cover these potential costs, the documents say, HHS will seek supplemental appropriations from Congress. The documents also indicate that HHS plans to pay for child separation by reallocating money from the Ryan White HIV/AIDS Program, which, according to its website, "provides a comprehensive system of care that includes primary medical care and essential support services for people living with HIV who are uninsured or underinsured." Per the documents, the process of transferring those HIV/AIDS funds has already begun.

In addition, HHS plans to reallocate \$79 million from programs for refugee resettlement, a move that could imperil social services, medical assistance, and English language instructions for refugees in the U.S., as well as programs for torture survivors.

ORR's budgeting exercise does not account for a federal court decision ordering the administration to reunify separated parents and children within 30 days, or within 14 days if those children are younger than 5 years old. Azar has stated publicly that he will attempt to comply with these deadlines.

The documents do, however, take into account the executive order that Trump signed on June 20 that purports to end family separation—and reveal that ORR does not seem to be operating on the assumption that the separation policy has truly ended. The budgeting exercise assumes that Trump's order created a 20-day pause on family separations and that referrals would increase after that 20-day period—that is, after July 10—to 325 immigrant children per day for four weeks. If that estimate is correct, that means an additional 9,100 immigrant children would be detained and housed by the U.S. government in the four weeks beginning Tuesday.

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At the end of those four weeks, the agency documents assume, the deterrent effect of family separation would again reduce referrals—that is, the number of immigrant children in government detention. There is no evidence that a resumption of family separation will deter parents from crossing the border with their children; the number of families apprehended at the border stayed flat between May and June as the U.S. government implemented the zero-tolerance policy.

The timeline laid out in these internal documents reflects a debatable reading of Trump's executive order. ORR officials appear to think that the order allowed families and children to be detained together temporarily but that under the Flores settlement these children must be transferred to ORR's custody after 20 days. Under this interpretation of the executive order, all children who are separated from a parent or guardian from this point forward must first be detained with that parent or guardian for 20 days.

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While the executive order is ambiguous on this point, ORR's interpretation is plausible. Moreover, not all of the referrals—ORR's term for minors placed in its care—that are accounted for in ORR's budgeting exercise would be children separated from their parents. Some of the additional beds would presumably go to minors who arrive at the border unaccompanied by a parent or guardian. But given the claim in the documents that referrals would increase after a pause on family separations, it appears ORR believes a substantial number of those beds would indeed go to children separated from their parents.

Mark Greenberg, a senior fellow at the Migration Policy Institute who led the Administration for Children and Families—the division of HHS that includes the Office of Refugee Resettlement—from 2013 to 2015, told Slate the plans indicate an “enormous increase” in the number of minors that will be held in custody. “This envisions having further family separation cases coming to HHS—a lot of them,” he said. Greenberg also noted that the documents suggest the possibility of a vast expansion of federal expenditures on unaccompanied minors. “The entire appropriation for unaccompanied alien children this year was \$1.3 billion,” he said. Now ORR is “seeking an additional \$1.3 billion” for just the last three months of 2018.

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Bob Carey, who served as director of ORR under President Barack Obama, told Slate that the documents also reflect the possibility that the agency may “keep children for much longer periods of time.” Under Obama, the average minor in federal custody remained in ORR’s care for 33 days before being released to a sponsor, usually a family member. Under Trump, that average has increased to 55 days, and stints in detention could grow longer as the administration creates higher barriers to sponsorship. Carey said the Trump administration has implemented processes that have a “deterrent effect” on sponsors. For instance, ORR now shares information about potential sponsors with Immigration and Customs Enforcement. That policy could dissuade undocumented family members from sponsoring minors, potentially keeping children languishing in ORR’s care for months.

“That tactic represents muddying of mission,” Carey said. “ORR shelters were not established to care for children on a long-term basis. They were set to keep kids for as short a period of time as possible until the child could be released to a parent or other sponsor. Clearly [the agency] is creeping away from that.” ■

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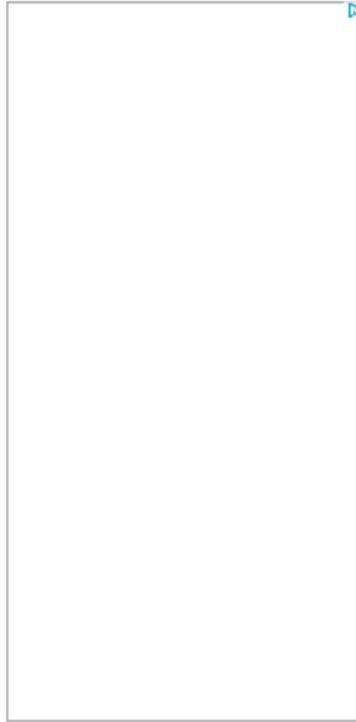
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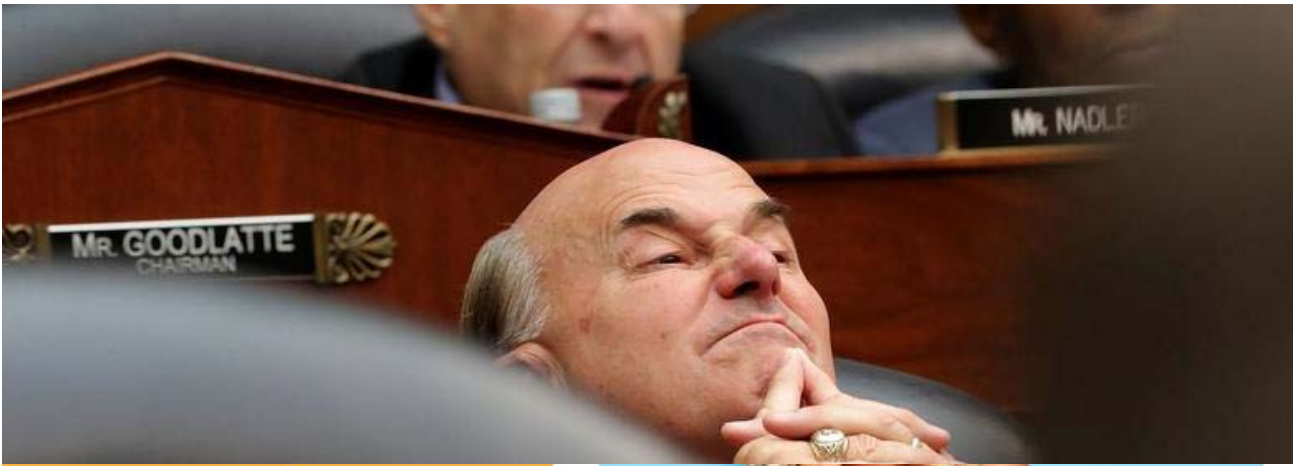
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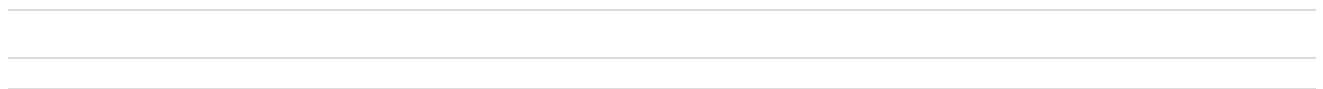
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Exhibit MM

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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 Ms. L. and Ms. C.,

Petitioner-Plaintiff,

13 v.

14 U.S. Immigration and Customs Enforcement
15 ("ICE"); U.S. Department of Homeland Security
16 ("DHS"); U.S. Customs and Border Protection
17 ("CBP"); U.S. Citizenship and Immigration
18 Services ("USCIS"); U.S. Department of Health
19 and Human Services ("HHS"); Office of
20 Refugee Resettlement ("ORR"); Thomas
21 Homan, Acting Director of ICE; Greg
22 Archambeault, San Diego Field Office Director,
23 ICE; Joseph Greene, San Diego Assistant Field
24 Office Director, ICE; Adrian P. Macias, El Paso
25 Field Director, ICE; Frances M. Jackson, El Paso
26 Assistant Field Office Director, ICE; Kirstjen
27 Nielsen, Secretary of DHS; Jefferson Beauregard
28 Sessions III, Attorney General of the United
States; L. Francis Cissna, Director of USCIS;
Kevin K. McAleenan, Acting Commissioner of
CBP; Pete Flores, San Diego Field Director,
CBP; Hector A. Mancha Jr., El Paso Field
Director, CBP; Alex Azar, Secretary of the
Department of Health and Human Services;
Scott Lloyd, Director of the Office of Refugee
Resettlement,

Respondents-Defendants.

Case No. 18-cv-00428-DMS-MDD

Date Filed: July 3, 2018

**SECOND AMENDED
COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

CLASS ACTION

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INTRODUCTION

1. This case challenges the United States government’s forcible separation of parents from their young children for no legitimate reason and notwithstanding the threat of irreparable damage that separation has been universally recognized to cause young children.

2. Plaintiff Ms. L. is the mother of a seven (7) year-old daughter, who was ripped away from her, and then sent halfway across the country to be detained alone. Plaintiff Ms. C. is the mother of a fourteen (14) year-old son, who was also forcibly separated from his mother and detained more than a thousand miles away.

3. Ms. L. and Ms. C. bring this action on behalf of themselves and thousands of other parents whom the government has forcibly separated from their children. Like Ms. L. and Ms. C., many of these individuals have fled persecution and are seeking asylum in the United States. Without any allegations of abuse, neglect, or parental unfitness, and with no hearings of any kind, the government is separating these families and detaining their young children, alone and frightened, in facilities often thousands of miles from their parents.

4. Forced separation from parents causes severe trauma to young children, especially those who are already traumatized and are fleeing persecution in their home countries. The resulting cognitive and emotional damage can be permanent.

5. Defendants have ample ways to keep Plaintiffs together with their children, as they have done for decades prior to their current practice. There are shelters that house families (including asylum-seekers) while they await the final adjudication of their immigration cases. If, however, the government lawfully continues detaining these parents and young children, it must at a minimum detain them together in one of its immigration family detention centers.

1 13. Defendant U.S. Customs and Border Protection (“CBP”) is the sub-
2 agency of DHS that is responsible for the initial processing and detention of
3 noncitizens who are apprehended near the U.S. border.

4 14. Defendant U.S. Department of Health and Human Services (HHS) is a
5 department of the executive branch of the U.S. government which has been
6 delegated authority over “unaccompanied” noncitizen children.

7 15. Defendant Office of Refugee Resettlement (“ORR”) is the component
8 of HHS which provides care of and placement for “unaccompanied” noncitizen
9 children.

10 16. Defendant Thomas Homan is sued in his official capacity as the
11 Director of ICE, and is a legal custodian of Plaintiffs.

12 17. Defendant Greg Archambeault is sued in his official capacity as the
13 ICE San Diego Field Office Director, and is a legal custodian of Plaintiff Ms. L.

14 18. Defendant Joseph Greene is sued in his official capacity as the ICE
15 San Diego Assistant Field Office Director for the Otay Mesa Detention Center, and
16 is a legal custodian of Plaintiff Ms. L.

17 19. Defendant Adrian P. Macias is sued in his official capacity as the ICE
18 El Paso Field Office Director, and is a legal custodian of Plaintiff Ms. C.

19 20. Defendant Frances M. Jackson is sued in his official capacity as the
20 ICE El Paso Assistant Field Office Director for the West Texas Detention Facility,
21 and is a legal custodian of Plaintiff Ms. C.

22 21. Defendant Kirstjen Nielsen, is sued in her official capacity as the
23 Secretary of the Department of Homeland Security. In this capacity, she directs
24 each of the component agencies within DHS: ICE, USCIS, and CBP. As a result,
25 Respondent Nielsen has responsibility for the administration of the immigration
26 laws pursuant to 8 U.S.C. § 1103, is empowered to grant asylum or other relief, and
27 is a legal custodian of the Plaintiffs.
28

1 22. Defendant Jefferson Beauregard Sessions III is sued in his official
2 capacity as the Attorney General of the United States. In this capacity, he has
3 responsibility for the administration of the immigration laws pursuant to 8 U.S.C. §
4 1103, oversees the Executive Office of Immigration Review, is empowered to grant
5 asylum or other relief, and is a legal custodian of the Plaintiffs.

6 23. Defendant L. Francis Cissna is sued in his official capacity as the
7 Director of USCIS.

8 24. Defendant Kevin K. McAleenan is sued in his official capacity as the
9 Acting Commissioner of CBP.

10 25. Defendant Pete Flores is sued in his official capacity as the San Diego
11 Field Director of CBP.

12 26. Defendant Hector A. Mancha Jr. is sued in his official capacity as the
13 El Paso Field Director of CBP.

14 27. Defendant Alex Azar is sued in his official capacity as the Secretary of
15 the Department of Health and Human Services.

16 28. Defendant Scott Lloyd is sued in his official capacity as the Director of
17 the Office of Refugee Resettlement.

18 **FACTS**

19 29. Over the past year, the government has separated thousands of migrant
20 families for no legitimate purpose. The government’s true purpose in separating
21 these families was to deter future families from seeking refuge in the United States.

22 30. Many of these migrant families fled persecution and are seeking
23 asylum. Although there are no allegations that the parents are unfit or abusing their
24 children in any way, the government has forcibly separated them from their young
25 children and detained the children, often far away, in facilities for “unaccompanied”
26 minors.

27 31. There is overwhelming medical evidence that the separation of a
28 young child from his or her parent will have a devastating negative impact on the

1 child’s well-being, especially where there are other traumatic factors at work, and
2 that this damage can be permanent.

3 32. The American Association of Pediatrics has denounced the
4 Administration’s practice of separating migrant children from their parents, noting
5 that: “The psychological distress, anxiety, and depression associated with
6 separation from a parent would follow the children well after the immediate period
7 of separation—even after the eventual reunification with a parent or other family.”

8 33. Prior Administrations detained migrant families, but did not have a
9 practice of forcibly separating fit parents from their young children.

10 34. There are non-governmental shelters that specialize in housing and
11 caring for families—including asylum seeking families—while their immigration
12 applications are adjudicated.

13 35. There are also government-operated family detention centers where
14 parents can be housed together with their children, should the government lawfully
15 decide not to release them. The government previously detained, and continues to
16 detain, numerous family units at those facilities.

17 36. In April 2018, the New York Times reported that more than “700
18 children have been taken from adults claiming to be their parents since October [of
19 2016], including more than 100 children under the age of 4.” Caitlin Dickerson,
20 *Hundreds of Children Have Been Taken from Parents at U.S. Border*, N.Y. Times,
21 Apr. 20, 2018.

22 37. On May 7, 2018, Defendant Sessions announced “a new initiative” to
23 refer “100 percent” of immigrants who cross the Southwest border for criminal
24 immigration prosecutions, also known as the “zero-tolerance policy.” Defendant
25 Sessions stated that as part of that prosecution, all parents who are prosecuted
26 would be separated from their children. U.S. Dep’t of Justice, Attorney General
27 Sessions Delivers Remarks to the Association of State Criminal Investigative
28 Agencies 2018 Spring Conference (May 7, 2018). The purpose of this new policy

1 was to separate families in the hope that it would deter other families from seeking
2 refuge in the United States.

3 38. At a Senate Judiciary Committee hearing in May, a deputy chief of
4 Defendant U.S. Customs and Border Protection testified that between May 6 and
5 May 19 alone, a total of 658 children were separated from their family members
6 pursuant to this policy. The Washington Post reported that in the city of McAllen,
7 Texas, 415 children were taken from their parents during a two week period.¹ And
8 in June 2018, the Department of Homeland Security reported that in the six weeks
9 between April 19 and May 31, the administration took almost 2,000 children away
10 from their parents.²

11 39. Defendant Sessions and other government officials, including
12 Defendant Nielsen, have repeatedly defended the separation of children from their
13 parents in speeches and interviews with various media outlets. Among other
14 justifications for the practice, they have stated that separating families would be a
15 way to “discourage parents from bringing their children here illegally,”³ and that it
16 would help “deter more movement” to the United States by asylum seekers and
17 other migrants.⁴ Administration officials told the New York Times in May, “[t]he
18 president and his aides in the White House had been pushing a family separation
19 policy for weeks as a way of deterring families from trying to cross the border
20 illegally.”⁵

21 _____
22 ¹ https://www.washingtonpost.com/world/national-security/trumps-zero-tolerance-at-the-border-is-causing-child-shelters-to-fill-up-fast/2018/05/29/7aab0ae4-636b-11e8-a69c-b944de66d9e7_story.html?utm_term=.d52d94c37d05.

24 ² <https://ca.reuters.com/article/topNews/idCAKBN1JB2SF-OCATP>.

25 ³ <http://transcripts.cnn.com/TRANSCRIPTS/1801/16/cnr.04.html>.

26 ⁴ <https://www.cnn.com/2017/03/06/politics/john-kelly-separating-children-from-parents-immigration-border/>

27 ⁵ <https://www.nytimes.com/2018/05/10/us/politics/trump-homeland-security-secretary-resign.html>
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1 40. Even if the separated child is released from custody and placed in a
2 community setting or foster care, the trauma of the ongoing separation continues.

3 41. By taking away their children, Defendants are coercing class members
4 into giving up their claims for asylum and other legal protection. Numerous class
5 members have been told by CBP and ICE agents that they will see their children
6 again sooner if they withdraw their asylum applications and accept earlier
7 deportation.⁶

8 42. Many class members have given up their asylum claims and stipulated
9 to removal as a way to be reunited with their children faster.

10 43. For class members who have not been coerced into giving up their
11 asylum claims, separation from their children has made those applications much
12 more difficult. Separation prevents parents from helping their children apply for
13 asylum and navigate removal proceedings. Separation also makes it harder for
14 parents to present facts involving their children which support their own asylum
15 claims.

16 44. The trauma of separation also renders asylum-seeking class members
17 too distraught to effectively pursue their asylum applications. *See, e.g.,* Angelina
18 Chapin, *Separated Parents Are Failing Asylum Screenings Because They're So*
19 *Heartbroken*, Huffington Post (June 30, 2018).⁷

21 ⁶ This practice has been widely reported. *See, e.g.,* Dara Lind, *Trump Will Reunite*
22 *Separated Families—But Only if They Agree to Deportation*, Vox.com (June 25,
23 2018), [https://www.vox.com/2018/6/25/17484042/children-parents-separate-](https://www.vox.com/2018/6/25/17484042/children-parents-separate-reunite-plan-trump)
24 *reunite-plan-trump*; Jay Root & Shannon Najmabadi, *Kids in Exchange for*
25 *Deportation: Detained Migrants Say They Were Told They Could Get Kids Back on*
26 *Way Out of U.S.*, Texas Tribune (June 24, 2018),
27 [https://www.texastribune.org/2018/06/24/kids-exchange-deportation-migrants-](https://www.texastribune.org/2018/06/24/kids-exchange-deportation-migrants-claim-they-were-promised-they-could/?utm_campaign=trib-social&utm_medium=social&utm_source=twitter&utm_content=1529859032)
28 [claim-they-were-promised-they-could/?utm_campaign=trib-](https://www.texastribune.org/2018/06/24/kids-exchange-deportation-migrants-claim-they-were-promised-they-could/?utm_campaign=trib-social&utm_medium=social&utm_source=twitter&utm_content=1529859032)
[social&utm_medium=social&utm_source=twitter&utm_content=1529859032.](https://www.texastribune.org/2018/06/24/kids-exchange-deportation-migrants-claim-they-were-promised-they-could/?utm_campaign=trib-social&utm_medium=social&utm_source=twitter&utm_content=1529859032)

⁷ [https://www.huffingtonpost.com/entry/separated-parents-too-grief-stricken-to-](https://www.huffingtonpost.com/entry/separated-parents-too-grief-stricken-to-see-asylum-experts-say_us_5b379974e4b08c3a8f6ad5d9)
[seek-asylum-experts-say_us_5b379974e4b08c3a8f6ad5d9.](https://www.huffingtonpost.com/entry/separated-parents-too-grief-stricken-to-see-asylum-experts-say_us_5b379974e4b08c3a8f6ad5d9)

1 51. Ms. L. and her daughter are seeking asylum in the United States.

2 52. Ms. L. is Catholic and sought shelter in a church until she was able to
3 escape the Congo with S.S.

4 53. Upon reaching the United States, Ms. L. and S.S. presented themselves
5 at the San Ysidro, California Port of Entry on November 1, 2017. Although their
6 native language is Lingala, they were able to communicate to the border guards that
7 they sought asylum.

8 54. Based on her expression of a fear of returning to the Congo, Ms. L.
9 was referred for an initial screening before an asylum officer, called a “credible fear
10 interview.” She subsequently passed the credible fear screening but, until March 6,
11 2018, remained detained in the Otay Mesa Detention Center in the San Diego area.

12 55. On or about November 5, immigration officials forcibly separated
13 then-6 year-old S.S. from her mother and sent S.S. to Chicago. There she was
14 housed in a detention facility for “unaccompanied” minors run by the Office of
15 Refugee Resettlement (ORR).

16 56. When S.S. was taken away from her mother, she was screaming and
17 crying, pleading with guards not to take her away from her mother. While detained,
18 Ms. L. spoke to her daughter approximately 6 times by phone, never by video. For
19 months she was terrified that she would never see her daughter again. The few
20 times Ms. L. was able to speak to her daughter on the phone, her daughter was
21 crying and scared.

22 57. In December, S.S. turned 7 and spent her birthday in the Chicago
23 facility, without her mother.

24 58. In detention, Ms. L. was distraught and depressed because of her
25 separation from her daughter. As a result, she did not eat properly, lost weight, and
26 was not sleeping due to worry and nightmares.

27 59. In one moment of extreme despair and confusion, Ms. L. told an
28 immigration judge that she wanted to withdraw her application for asylum,

1 realizing her mistake only a few days later. She is seeking to reopen her case before
2 the Board of Immigration Appeals.

3 60. The government had no legitimate interest in separating Ms. L. and her
4 child.

5 61. There has been no evidence, or even accusation, that S.S. was abused
6 or neglected by Ms. L.

7 62. There is no evidence that Ms. L. is an unfit parent or that she is not
8 acting in the best interests of her child.

9 63. After Ms. L. filed this lawsuit and moved for a preliminary injunction,
10 Defendants abruptly released her from custody on March 6, 2018, due to the filing
11 of the lawsuit. Defendants informed her that she would be released mere hours in
12 advance, with no arrangements for where she would stay. S.S. was released to Ms.
13 L.'s custody several days later. Both are now pursuing their claims for legal
14 protection.

15 64. Ms. C. and her 14 year-old son, J., are another one of the families who
16 have been separated by the government. Like Ms. L. and her daughter, Ms. C. and
17 her son are seeking asylum in the United States.

18 65. Ms. C. and J. fled Brazil and came to the United States to seek asylum.
19 A few feet after Ms. C. entered the United States, a border guard approached her,
20 and she explained that she was seeking asylum. Ms. C. subsequently passed a
21 credible fear interview, and was put in removal proceedings, where she is applying
22 for asylum.

23 66. Despite having communicated her fear of persecution to border guards,
24 the government prosecuted Ms. C. for entering the country illegally, took her son J.
25 away from her, and sent him to a facility for "unaccompanied" children in Chicago.

26 67. The government continued to separate Ms. C. from her son even after
27 she completed serving her criminal misdemeanor sentence on September 22, 2017,
28 and was sent to an immigration detention facility, the El Paso Processing Center. In

1 early January 2018, she was transferred again, to another immigration facility, the
2 West Texas Detention Facility (also known as Sierra Blanca), but still was not
3 reunited with her son. Even after Ms. C was released from immigration detention
4 on April 5, 2018, the government did not reunify her with her son for another two
5 months, until June 9.

6 68. While separated from J., Ms. C. was desperate to be reunited with him.
7 She worried about him constantly and did not know when she would be able to see
8 him. They spoke on the phone only a handful of times while they were separated by
9 Defendants.

10 69. J. had a difficult time emotionally during the months he was separated
11 from his mother.

12 70. The government had no legitimate interest for the separation of Ms. C.
13 and her child.

14 71. There is no evidence, or even accusation, that J. was abused or
15 neglected by Ms. C.

16 72. There is no evidence that Ms. C. is an unfit parent or that she is not
17 acting in the best interests of her child.

18 **CLASS ALLEGATIONS**

19 73. Plaintiffs bring this action under Federal Rule of Civil Procedure
20 23(b)(2) on behalf of themselves and a nationwide class of all other persons
21 similarly situated.

22 74. Plaintiffs seek to represent the following class:

23 All adult parents who enter the United States at or between designated ports
24 of entry who (1) have been, are, or will be detained in immigration custody
25 by the DHS, and (2) have a minor child who is or will be separated from
26 them by DHS and detained in ORR custody, ORR foster care, or DHS
27 custody, absent a determination that the parent is unfit or presents a danger to
28 the child.

1 75. Ms. L. and Ms. C. are each adequate representatives of the proposed
2 class.

3 76. The proposed class satisfies the requirements of Rule 23(a)(1) because
4 the class is so numerous that joinder of all members is impracticable. There are at a
5 minimum hundreds of parents who fit within the class.

6 77. The class meets the commonality requirements of Federal Rule of
7 Civil Procedure 23(a)(2). The members of the class are subject to a common
8 practice: forcibly separating detained parents from their minor children absent any
9 determination that the parent is unfit or presents a danger to the child. By definition,
10 all class members have experienced that practice, and none has been given an
11 adequate hearing regarding the separation. The lawsuit raises numerous questions
12 of law common to members of the proposed class, including: whether Defendants'
13 family separation practice violates class members' substantive due process right to
14 family integrity; whether the practice violates class members' procedural due
15 process rights; whether the practice violates the federal asylum statute; and whether
16 these separations are unlawful or arbitrary and capricious under the APA.

17 78. The proposed class meets the typicality requirements of Federal Rule
18 of Civil Procedure 23(a)(3), because the claims of the representative Plaintiffs are
19 typical of the claims of the class. Ms. L., Ms. C., and the proposed class members
20 are all individuals who have had or will have their children forcibly taken away
21 from them despite there being no proven allegations of abuse, neglect, or any other
22 danger or unfitness. Plaintiffs and the proposed class also share the same legal
23 claims, which assert the same substantive and procedural rights under the Due
24 Process Clause, the asylum statute, and the APA.

25 79. The proposed class meets the adequacy requirements of Federal Rule
26 of Civil Procedure 23(a)(4). The representative Plaintiffs seek the same relief as the
27 other members of the class—namely, an order that they be reunified with their
28 children, whether through release or in family detention facilities. In defending their

1 own rights, Ms. L. and Ms. C. will defend the rights of all proposed class members
2 fairly and adequately.

3 80. The proposed class is represented by counsel from the American Civil
4 Liberties Union Immigrants' Rights Project and the ACLU of San Diego and
5 Imperial Counties. Counsel have extensive experience litigating class action
6 lawsuits and other complex cases in federal court, including civil rights lawsuits on
7 behalf of noncitizens.

8 81. The members of the class are readily ascertainable through
9 Defendants' records.

10 82. The proposed class also satisfies Federal Rule of Civil Procedure
11 23(b)(2). Defendants have acted on grounds generally applicable to the class by
12 unlawfully separating parents from their young children. Injunctive and declaratory
13 relief is thus appropriate with respect to the class as a whole.

14 CAUSES OF ACTION

15 **COUNT I**

16 **(Violation of Due Process: Right to Family Integrity)**

17 83. All of the foregoing allegations are repeated and realleged as though
18 fully set forth herein.

19 84. The Due Process Clause of the Fifth Amendment applies to all
20 "persons" on United States soil and thus applies to Ms. L., Ms. C., their children
21 S.S. and J., and all proposed class members.

22 85. Plaintiffs, their children, and all class members have liberty interests
23 under the Due Process Clause in remaining together as families.

24 86. The separation of the class members from their children violates
25 substantive due process because it furthers no legitimate purpose and was designed
26 to deter.

27 87. The separation of the class members from their children also violates
28 procedural due process because it was undertaken without any hearing.

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COUNT II

(Administrative Procedure Act: Arbitrary and Capricious Practice)

88. All of the foregoing allegations are repeated and realleged as though fully set forth herein.

89. The APA prohibits agency action that is arbitrary and capricious or violates a person’s legal or constitutional rights.

90. Defendants’ separation practice is final agency action for which there is no other adequate remedy in a court. Defendants’ decision to separate parents is not tentative or interlocutory, because Defendants have *already* separated thousands of families and continue to do so, and the policy was announced by high-level officials. And Defendants’ decision to separate gravely impacts class members’ rights to remain together as families.

91. Defendants’ separation of Ms. L., Ms. C., and the other class members from their children without any explanation or legitimate justification is arbitrary and capricious and accordingly violates the APA. 5 U.S.C. § 706.

92. Among other things, Defendants failed to offer adequate reasons for adopting their unprecedented new separation practice; they failed to explain why they were not using alternatives to separation, including supervised release and family detention; and for parents like Ms. L., Defendants have never explained why they cannot verify parentage *before* imposing traumatic separation on both parent and child.

COUNT III

(Violation of Right to Seek Protection Under the Asylum and Withholding of Removal Statutes, and the Convention Against Torture)

93. All of the foregoing allegations are repeated and realleged as though fully set forth herein.

94. Under United States law, noncitizens with a well-founded fear of persecution shall have the opportunity to apply for asylum in the United States. 8

1 U.S.C. § 1158(a). In addition, noncitizens have a mandatory statutory entitlement to
2 withholding of removal where they would face a probability of persecution if
3 removed to their country of nationality, 8 U.S.C. § 1231(b)(3), or withholding or
4 deferral of removal where they would face a probability of torture. Foreign Affairs
5 Reform and Restructuring Act (“FARRA”), Pub. L. No. 105-277, Div. G.,
6 Title XXII, § 2242, 112 Stat. 2681-822 (Oct. 21, 1998) (codified as Note to 8
7 U.S.C. § 1231).

8 95. Class members have a private right of action to challenge violations of
9 their right to apply for asylum under § 1158(a). That right is not barred by 8 U.S.C.
10 § 1158(d)(7), which applies to only certain procedural requirements set out in
11 Section 1158(d).

12 96. Defendants’ separation of families violates federal law that provides
13 for asylum and other protection from removal, as well as their due process right to
14 seek such relief. Separation severely impedes their ability to pursue their asylum
15 and other protection claims in a number of ways, including by denying them the
16 ability to coordinate their applications with their children, present facts related to
17 their children, and creating trauma that hinders their ability to navigate the complex
18 process.

19 97. The government is also using the trauma of separation to coerce
20 parents into giving up their asylum and protection claims in order to be reunited
21 with their children.

22 **PRAYER FOR RELIEF**

23 Plaintiffs request that the Court enter a judgment against Defendants and
24 award the following relief:

25 A. Certify a class of all adult parents nationwide who enter the United States
26 at or between designated ports of entry who (1) have been, are, or will be detained
27 in immigration custody by the DHS, and (2) have a minor child who is or will be
28 separated from them by DHS and detained in ORR custody, ORR foster care, or

1 DHS custody, absent a determination that the parent is unfit or presents a danger to
2 the child.

3 B. Name Ms. L. and Ms. C. as representatives of the class, and appoint
4 Plaintiffs' counsel as class counsel;

5 C. Declare the separation of Ms. L., Ms. C., and the other class members
6 from their children unlawful;

7 D. Preliminarily and permanently enjoin Defendants from continuing to
8 separate the class members from their children;

9 E. Order Defendants either to release class members along with their
10 children, or to detain them together in the same facility;

11 F. Enjoin Defendants from removing any class members from the country
12 who have received final removal orders until they are reunited with their children,
13 unless the class members knowingly and voluntarily decide that they do not want
14 their children removed with them;

15 G. Enjoin Defendants from removing any class member who received a final
16 removal order prior to the issuance of this Court's preliminary injunction on June
17 26, 2018, or prior to receiving notice of their rights under the injunction, until they
18 have had an opportunity to consult with class counsel, or a delegate of class
19 counsel, to insure that these class members have knowingly and voluntarily chosen
20 to forego any further challenges to removal, rather than feeling coerced into doing
21 so as a result of separation from their children.

22 H. Require Defendants to pay reasonable attorneys' fees and costs;

23 I. Order all other relief that is just and proper.

24 Dated: July 3, 2018

Respectfully Submitted,

25
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Exhibit NN

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2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

3 MS. L, et al.,

Case No. 18cv428 DMS MDD

4 Petitioners-Plaintiffs,

**JOINT MOTION REGARDING
SCOPE OF THE COURT’S
PRELIMINARY INJUNCTION**

5 vs.

6 U.S. IMMIGRATION AND CUSTOMS
7 ENFORCEMENT, et al.,

8 Respondents-Defendants.
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11 In accordance with the Court’s orders and with the Court’s July 10, 2018
12 status conference, the parties respectfully jointly move the Court to enter the
13 attached Order Regarding Scope of the Court’s Preliminary Injunction. This
14 Proposed Order addresses compliance with this Court’s preliminary injunction. It
15 would provide that the Court’s preliminary injunction order in this case, or
16 subsequent orders implementing that order, does not limit the Government’s
17 authority to detain adults in the Department of Homeland Security’s (“DHS”)
18 custody. Accordingly, when DHS would detain a Class Member together with his or
19 her child in a facility for detaining families, consistent with its constitutional and
20 legal authorities governing detention of adults and families, but the child may be
21 able to assert rights under the *Flores* Settlement Agreement to be released from
22 custody or transferred to a “licensed program” pursuant to that Agreement’s terms,
23 then this Court’s preliminary injunction and implementing orders permit the
24 Government to require Class Members to select one of the following two options:
25 First, the Class Member may choose to remain in DHS custody together with his or
26 her child, subject to any eligibility for release under existing laws and policies, but
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1 to waive, on behalf of the child, the assertion of rights under the *Flores* Settlement
2 Agreement to be released, including the rights with regard to placement in the least
3 restrictive setting appropriate to the minor’s age and special needs, and the right to
4 release or placement in a “licensed program.” By choosing this option, the class
5 member is waiving the child’s right under the *Flores* Settlement Agreement to be
6 released, including the rights with regard to placement in the least restrictive setting
7 appropriate to the minor’s age and special needs, and the right to release or
8 placement in a “licensed program.” Second, and alternatively, the Class Member
9 may waive his or her right not to be separated from his or her child under this Court’s
10 preliminary injunction and assert, on behalf of the Class Member’s child, any such
11 right under the *Flores* Settlement Agreement for the child to be released from
12 custody or transferred to a “licensed program” pursuant to that Agreement’s terms—
13 in which circumstance the child would, consistent with this Court’s orders, be
14 separated with the parent’s consent. In implementing this release or transfer, the
15 government could transfer the child to HHS custody for placement and to be
16 otherwise treated as an unaccompanied child. *See* 6 U.S.C. 279(g)(2).

17 The Proposed Order provides that in neither circumstance do this Court’s
18 orders create a right to release for a parent who is detained in accordance with
19 existing law. If a Class Member is provided these two choices and does not select
20 either one, the Government may maintain the family together in family detention
21 and the Class Member will be deemed to have temporarily waived the child’s release
22 rights (including the rights with regard to placement in the least restrictive setting
23 appropriate to the minor’s age and special needs, and the right to release or
24 placement in a “licensed program”) under the *Flores* Settlement Agreement until the
25 Class Member makes an affirmative, knowing, and voluntary decision as to whether
26 he or she is waiving his or her child’s rights under the *Flores* Settlement Agreement.

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1 The parties further agree that the Court's orders in this case, and the *Flores*
2 Settlement Agreement, do not in any way prevent the Government from releasing
3 families from DHS custody. No waiver by any Class Member of his or her rights
4 under this Court's orders, or waiver by the Class Member of his or her child's rights
5 under the *Flores* Settlement Agreement, shall be construed to waive any other rights
6 of the Class Member or Class Member's child to challenge the legality of his or her
7 detention under any constitutional or legal provisions that may apply.

8 The parties agree a Class Member's waiver under the *Flores* Settlement
9 Agreement or this Court's injunction can be reconsidered after it is made, but
10 disagree about whether there are circumstances when such a waiver cannot be
11 reconsidered. The parties propose to meet and confer regarding this issue, and
12 provide a joint statement to the Court addressing the results of the meet and confer
13 and, if necessary, providing statements of their respective positions – by 3:00 p.m.
14 on July 20, 2018.

15 DATED: July 13, 2018

Respectfully submitted,

16 /s/ Lee Gelernt

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MS. L, et al.,

Petitioners-Plaintiffs,

vs.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT, et al.,

Respondents-Defendants.

Case No. 18cv428 DMS MDD

**ORDER GRANTING JOINT MOTION
REGARDING SCOPE OF THE
COURT’S PRELIMINARY
INJUNCTION**

Before the Court is the parties’ Joint Motion Regarding Scope of the Court’s Preliminary Injunction. IT IS HEREBY ORDERED that the Court’s preliminary injunction order in this case, or subsequent orders implementing that order, does not limit the Government’s authority to detain adults in the Department of Homeland Security’s (“DHS”) custody. Accordingly, when DHS would detain a Class Member together with his or her child in a facility for detaining families, consistent with its constitutional and legal authorities governing detention of adults and families, but the child may be able to assert rights under the *Flores* Settlement Agreement to be released from custody or transferred to a “licensed program” pursuant to that Agreement’s terms, then this Court’s preliminary injunction and implementing orders permit the Government to require Class Members to select one of the following two options: First, the Class Member may choose to remain in

1 DHS custody together with his or her child, subject to any eligibility for release under
2 existing laws and policies, but to waive, on behalf of the child, the assertion of rights under
3 the *Flores* Settlement Agreement to be released, including the rights with regard to
4 placement in the least restrictive setting appropriate to the minor’s age and special needs,
5 and the right to release or placement in a “licensed program.” By choosing this option, the
6 class member is waiving the child’s right under the *Flores* Settlement Agreement to be
7 released, including the rights with regard to placement in the least restrictive setting
8 appropriate to the minor’s age and special needs, and the right to release or placement in a
9 “licensed program.” Second, and alternatively, the Class Member may waive his or her
10 right not to be separated from his or her child under this Court’s preliminary injunction and
11 assert, on behalf of the Class Member’s child, any such right under the *Flores* Settlement
12 Agreement for the child to be released from custody or transferred to a “licensed program”
13 pursuant to that Agreement’s terms—in which circumstance the child would, consistent
14 with this Court’s orders, be separated with the parent’s consent. In implementing this release
15 or transfer, the government could transfer the child to HHS custody for placement and to be
16 otherwise treated as an unaccompanied child. *See* 6 U.S.C. 279(g)(2).

17 In neither circumstance do this Court’s orders create a right to release for a parent
18 who is detained in accordance with existing law. If a Class Member is provided these two
19 choices and does not select either one, the Government may maintain the family together in
20 family detention and the Class Member will be deemed to have temporarily waived the
21 child’s release rights (including the rights with regard to placement in the least restrictive
22 setting appropriate to the minor’s age and special needs, and the right to release or
23 placement in a “licensed program”) under the *Flores* Settlement Agreement until the Class
24 Member makes an affirmative, knowing, and voluntary decision as to whether he or she is
25 waiving his or her child’s rights under the *Flores* Settlement Agreement.

26 The parties further agree that the Court’s orders in this case, and the *Flores* Settlement
27 Agreement, do not in any way prevent the Government from releasing families from DHS
28 custody. No waiver by any Class Member of his or her rights under this Court’s orders, or

1 waiver by the Class Member of his or her child's rights under the *Flores* Settlement
2 Agreement, shall be construed to waive any other rights of the Class Member or Class
3 Member's child to challenge the legality of his or her detention under any constitutional or
4 legal provisions that may apply.

5 The parties agree a Class Member's waiver under the *Flores* Settlement Agreement
6 or this Court's injunction can be reconsidered after it is made, but disagree about whether
7 there are circumstances when such a waiver cannot be reconsidered. They are directed to
8 meet and confer regarding this issue, and provide a joint statement to the Court addressing
9 the results of the meet and confer and, if necessary, providing statements of their respective
10 positions – by 3:00 p.m. on July 20, 2018.

11 Dated:

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Hon. Dana M. Sabraw
United States District Judge