

1 CHAD A. READLER
Acting Assistant Attorney General
2 SCOTT G. STEWART
Deputy Assistant Attorney General
3 WILLIAM C. PEACHEY
Director
4 Office of Immigration Litigation
5 WILLIAM C. SILVIS
Assistant Director
6 Office of Immigration Litigation
7 SARAH B. FABIAN
Senior Litigation Counsel
8 NICOLE MURLEY
Trial Attorney
9 Office of Immigration Litigation
10 U.S. Department of Justice
11 Box 868, Ben Franklin Station
12 Washington, DC 20442
13 Telephone: (202) 532-4824
14 Fax: (202) 616-8962
15 ADAM L. BRAVERMAN
United States Attorney
16 SAMUEL W. BETTWY
Assistant U.S. Attorney
17 California Bar No. 94918
18 Office of the U.S. Attorney
19 880 Front Street, Room 6293
20 San Diego, CA 92101-8893
21 619-546-7125
619-546-7751 (fax)
22 *Attorneys for Federal Respondents-*
23 *Defendants*

Lee Gelernt*
Judy Rabinovitz*
Anand Balakrishnan*
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
125 Broad St., 18th Floor
New York, NY 10004
T: (212) 549-2660
F: (212) 549-2654
lgelernt@aclu.org
jrabinovitz@aclu.org
abalakrishnan@aclu.org

Bardis Vakili (SBN 247783)
ACLU FOUNDATION OF
SAN DIEGO & IMPERIAL
COUNTIES
P.O. Box 87131
San Diego, CA 92138-7131
T: (619) 398-4485
F: (619) 232-0036
bvakili@aclusandiego.org

Stephen B. Kang (SBN 292280)
Spencer E. Amdur (SBN 320069)
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
39 Drumm Street
San Francisco, CA 94111
T: (415) 343-1198
F: (415) 395-0950
skang@aclu.org
samdur@aclu.org

Attorneys for Petitioners-
Plaintiffs
**Admitted Pro Hac Vice*

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

3 MS. L, et al.,

Case No. 18cv428 DMS MDD

4 Petitioners-Plaintiffs,

JOINT STATUS REPORT

5 vs.

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

9 Respondents-Defendants.
10

11
12 The Court ordered the parties to file a joint status report on August 16, 2018,
13 in anticipation of the telephonic status conference scheduled for August 17, 2018,
14 at 1:00 p.m. PST. The parties submit this joint status report in accordance with the
15 Court's instruction.
16

17 **I. DEFENDANTS' POSITIONS**

18 **A. Update on Reunifications**

19
20 Defendants report the current status on reunification of families with
21 children ages 0 through 17 in the table below. The data presented in this section
22 reflects approximate numbers maintained by ORR as of 12:00 p.m. Eastern on
23 August 16, 2018. These numbers are dynamic and continue to change as more
24 reunifications or discharges occur.
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| <u>Category</u> | <u>Children under age 5</u> | <u>Children age 5 and above</u> | <u>Total children ages 0 - 17</u> |
|---|-----------------------------|---------------------------------|-----------------------------------|
| Total number of possible children of potential class members originally identified | 103 | 2,551 | 2,654 |
| Discharged Children | | | |
| Children discharged by being reunified with parents in ICE custody under the government's plan | 46 | 1,570 | 1,616 |
| Children discharged under other appropriate circumstances (these include discharges to other sponsors [such as situations where the child's parent is not eligible for reunification], reunifications with parents in DHS custody earlier in the process, or children that turned 18) | 33 | 440 | 473 |
| Total children discharged | 79 | 2,010 | 2,089 |
| Children Remaining in Care with ORR | | | |
| Children remaining in care, where the adult associated with the child is not eligible for reunification <u>or</u> is not available for discharge at this time: | 24 | 541 | 565 |
| <ul style="list-style-type: none"> • Children still in care where further review shows they were not separated from parents by DHS: | 4 | 42 | 46 |
| <ul style="list-style-type: none"> • Parent indicated desire against reunification (includes a significant number of parents outside the U.S.): | 1 | 153 | 154 |
| <ul style="list-style-type: none"> • Reunification prevented or potentially affected by separate litigation: | 5 | 78 | 83 |
| <ul style="list-style-type: none"> • Adult red flag background check: | 9 | 27 | 36 |
| <ul style="list-style-type: none"> • Adult red flag other case review: | 1 | 36 | 37 |
| <ul style="list-style-type: none"> • Adult released to interior: | 1 | 8 | 9 |
| <ul style="list-style-type: none"> • Adult in other federal, state, or local custody: | 3 | 16 | 19 |
| <ul style="list-style-type: none"> • Adult location under case file review | 0 | 10 | 10 |
| <ul style="list-style-type: none"> • Adult presently outside the U.S.: | 6 | 360 | 366 |

The total number of children remaining in care (565) is approximate because the data on children in care is still being updated to reflect discharges and information about associated adults. The groups of children in ORR care in the categories listed in the table above—which are tied to the categories of adults

1 associated with those children—add up to more than 565 because some adults fall
2 into more than one category (for example, a red flag on a background check plus
3 an indication of a desire against reunification).

4
5 Also, the parameters for certain categories of groups of children in ORR care
6 have been refined since the prior Joint Status Report filed on August 9, 2018.

7 First, the category from the prior Joint Status Report entitled “Adult released to the
8 interior or other custody, and contact not yet made,” is now subdivided into the
9 following three categories: “Adult released into the interior”; “Adult in other
10 federal, state, or local custody”; and “Adult location under case file review”.

11
12 Second, the category from the prior Joint Status Report entitled “Adult outside the
13 U.S.” is renamed “Adult presently outside the U.S.,” and includes only those adults
14 presently outside the U.S. It previously included additional adults who had been
15 outside the U.S. in the past.
16
17

18 **B. Plans for the Reunification of Released and Removed Class Members**

19 Defendants are moving forward with reunifications for released class
20 members as those class members are located and contacted.
21

22 The parties met and conferred numerous times regarding Defendants’ plan to
23 reunify removed class members, and have agreed on revisions to the plan that
24 resolve any concerns raised by Plaintiffs. That revised plan was filed with the
25 Court earlier today.
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1 **C. Information Sharing**

2 At the last status conference the Court ordered Defendants to provide certain
3 information requested by Plaintiffs by August 15, 2018. By agreement of the
4 parties, that deadline was later extended to August 17, 2018. Defendants have
5 provided, or expect to provide, the information requested by Plaintiffs on or before
6 that deadline, with one exception: information regarding a subset of the parents
7 who declined reunification with their children. Defendants will provide
8 information regarding parents who have declined reunification with children
9 presently in ORR custody by the deadline. Defendants, however, require
10 additional time to provide the same information regarding parents who declined
11 reunification with children who are no longer in ORR custody.
12

13
14
15 ORR's data efforts have been focused primarily on children who are still in
16 ORR care and custody, in order to reunify them with their parents as quickly as
17 possible. There are a large number of children who have been discharged from
18 ORR's care in a variety of ways. For example, some of those children were
19 reunified with the parent from whom they were originally separated, while others
20 were discharged to another parent, or discharged to another appropriate sponsor. A
21 manual review of each discharged child's file—together with cross-checking
22 against additional data sources—is required to ascertain whether and how
23 reunification was declined by a parent. ORR believes that additional time is
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1 required to conduct such an analysis reliably and without affecting ORR's ongoing
2 priority of reunifying children within its care as quickly as possible. For that
3 discrete subset of data, Defendants request that they be permitted to provide the
4 requested information by Wednesday, August 22, 2018.
5

6 Since the last status conference, the parties have discussed questions raised
7 by Plaintiffs as to situations involving specific individuals. However, Plaintiffs
8 have not made any additional requests for generalized data or information to
9 Defendants.
10

11 **II. PLAINTIFFS' POSITION**

12 Plaintiffs and the Steering Committee have proceeded to contacting removed
13 parents. In last week's JSR, Plaintiffs made various requests for data; Plaintiffs
14 agreed earlier this week to extend the deadline for those data requests to Friday,
15 August 17.
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1 DATED: August 16, 2018

Respectfully submitted,

2 /s/ Lee Gelernt _____

3 Lee Gelernt*

4 Judy Rabinovitz*

5 Anand Balakrishnan*

6 AMERICAN CIVIL LIBERTIES UNION
7 FOUNDATION

8 125 Broad St., 18th Floor

9 New York, NY 10004

10 T: (212) 549-2660

11 F: (212) 549-2654

12 *lgelernt@aclu.org*

13 *jrabinovitz@aclu.org*

14 *abalakrishnan@aclu.org*

15 Bardis Vakili (SBN 247783)

16 ACLU FOUNDATION OF SAN DIEGO
17 & IMPERIAL COUNTIES

18 P.O. Box 87131

19 San Diego, CA 92138-7131

20 T: (619) 398-4485

21 F: (619) 232-0036

22 *bvakili@aclusandiego.org*

23 Stephen B. Kang (SBN 292280)

24 Spencer E. Amdur (SBN 320069)

25 AMERICAN CIVIL LIBERTIES UNION
26 FOUNDATION

27 39 Drumm Street

28 San Francisco, CA 94111

T: (415) 343-1198

F: (415) 395-0950

skang@aclu.org

samdur@aclu.org

Attorneys for Petitioners-Plaintiffs

**Admitted Pro Hac Vice*

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CHAD A. READLER
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/s/ Sarah B. Fabian
SARAH B. FABIAN
Senior Litigation Counsel
NICOLE MURLEY
Trial Attorney
Office of Immigration Litigation
Civil Division
U.S. Department of Justice
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
(202) 532-4824
(202) 616-8962 (facsimile)
sarah.b.fabian@usdoj.gov

ADAM L. BRAVERMAN
United States Attorney
SAMUEL W. BETTWY
Assistant U.S. Attorney

Attorneys for Respondents-Defendants