

Lawsuit Filed on Behalf of 10K Detained Children

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Washington D.C. (January 22, 2019) – The Legal Aid Justice Center, Southern Poverty Law Center, and Sterne, Kessler, Goldstein & Fox PLLC have filed a class action lawsuit on behalf of over 10,000 children currently being held by the Trump administration in over 100 detention centers across the country.

The lawsuit, originally filed last August in the federal district court in Alexandria, Va. on behalf of a group of youth being held in Virginia, reveals that the alarming number of children that continue to be held for long periods of time is now at a crisis level. The lawsuit charges this situation is primarily the result of the ongoing cooperation between the Office of Refugee Resettlement (ORR) and Immigration and Customs Enforcement (ICE) which, hand-in-hand with family separation, is a deliberate strategy to deter vulnerable migrants from traveling to the U.S. A memo drafted in late 2017 and obtained January 17, 2019 reveals the Administration intended the very result this policy has caused: the prolonged detention of children.

The lawsuit is asking for the release of children who have sponsors available to take them into their homes and to reform this system that has resulted in prolonged detention for thousands of children around the nation.

“If the President is really interested in taking on a crisis in regard to the immigration situation – this is one he has the power to solve, since his Administration created it,” said Mary Bauer, deputy legal director for the Southern Poverty Law Center’s Immigrant Justice Project. “We have over 10,000 children in custody right now because this administration is using them as bait. This deplorable, deliberate policy means that these children are languishing in detention for months at a time.”

In April 2018, ORR entered into a Memorandum of Agreement (MOA) with the Department of Homeland Security (DHS), whereby ORR agreed to share with ICE the information it gathered during the family reunification petition process about sponsors and others living in the household. This policy, an effort to facilitate DHS’s efforts to arrest and remove possible sponsors who may be undocumented, has led to far fewer individuals coming forward on behalf of the children in detention.

This scheme is laid out in internal documents provided by a whistleblower that were made public last Thursday. The documents demonstrate that this policy is a part of the same strategy as the infamous family separation policy, and that the government knew it would result in fewer sponsors coming forward and children remaining in custody for longer periods of time.

“Children belong in homes with families, not warehoused in government detention centers,” said Simon Sandoval-Moshenberg, legal director of the Immigrant Advocacy Program and the Legal Aid Justice Center. “But the government is still using sponsors’ information for ICE immigration arrests. They’re still targeting the sponsors themselves, and as a result over 10,000 immigrant children are still stuck in detention for longer than ever before.”

Despite the Administration announcing in mid-December the policy would be altered to only apply to sponsors and not family or household members, little has changed. The partnership between ORR and ICE remains in place and continues to have an enormously chilling effect on potential sponsors coming forward on behalf of these children.

The lawsuit also outlines the completely disorganized and arbitrary sponsorship process, which has created an impenetrable maze for potential sponsors. Together these unlawful and abhorrent policies are having an incredibly negative impact on these already vulnerable immigrant children including:

- C.L., 14 years old, fled Mexico last fall. She was forced to leave her home after a series of events involving a group of violent men. They killed three of her uncles, broke into her family's home, and threatened her at gunpoint. The teen hoped to rejoin her mother in San Francisco. Instead, she was taken to a shelter in Florida, a 2,350-capacity facility not subject to state licensure and corresponding child welfare inspections.
- A.Y.S.R. will turn 18 in three months at the Crittenton facility in Orange County. After a terrifying odyssey from El Salvador where she was routinely sexually abused by a relative, a high-ranking member of a Salvadoran gang, A.Y.S.R. and her 1-year-old son presented themselves at a port of entry in Arizona in September 2018. When immigration officials tried to separate them, she resisted and was sent to a Border Patrol holding facility commonly known as the "icebox" for its freezing temperatures and lack of adequate facilities to care for children.

The plaintiffs include a dozen immigrant children who are currently detained and their sponsors, as well as the Catholic Legal Immigration Network, Inc. (CLINIC) and the Northwest Immigrant Rights Project (NWIRP), organizations that assist immigrant youth and their family members as well as nonprofits to navigate the immigration system, including the ORR sponsorship process.

"When a government agency takes custody of a child, it should always be looking out for the child's best interests. But the Trump Administration has instead seen children as a way to go after their parents or relatives," said Jorge Baron, Executive Director for NWIRP. "We hope this court case will lead to families being reunified as soon as possible."

"CLINIC's mission is to welcome the stranger and provide support for the most vulnerable among us. Implementing a policy that intentionally keeps children apart from their families is antithetical to CLINIC's mission," said Jeanne M. Atkinson, Executive Director of CLINIC.

Please find the complaint and key attachments at the following links: [LAWSUIT](#), [ORR/ICE MOU](#) and [LEAKED MEMO](#).

About Sterne Kessler

Based in Washington, D.C. and renown for more than four decades for dedication to the protection, transfer, and enforcement of intellectual property rights, Sterne Kessler is one of the most highly regarded intellectual property specialty law firms in the world. Its team of attorneys, registered patent agents, students, and technical specialists include some of the country's most respected practitioners of IP law, tackling innovations across a broad spectrum of industries. The firm's practitioners hold nearly 50 masters and 50+ doctorate degrees in science or engineering and represent Fortune 500 companies, entrepreneurs, start-ups, inventors, venture capital firms, and universities in a client service driven environment that is welcoming, inclusive, and intellectually stimulating. Visit the firm online at sternekessler.com.

About Legal Aid Justice Center

Legal Aid Justice Center is a statewide Virginia nonprofit organization whose mission is to strengthen the voices of low-income communities and root out the inequities that keep people in poverty. We provide legal support to immigrant communities facing legal crises and use

advocacy and impact litigation to fight back against ICE enforcement and detention abuses. More information is available at <http://www.justice4all.org/current-initiatives/fighting-family-separation/>.

About Southern Poverty Law Center

The Southern Poverty Law Center, based in Alabama with offices in Florida, Georgia, Louisiana and Mississippi, is a nonprofit civil rights organization dedicated to fighting hate and bigotry, and to seeking justice for the most vulnerable members of society. For more information, visit www.splcenter.org.

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