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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

**RESPONDENTS' SUPPLEMENTAL
RESPONSE IN OPPOSITION TO
MOTION FOR PRELIMINARY
INJUNCTION**

1 I. INTRODUCTION

2 This Court should not consider the new allegations made in Plaintiffs’
3 supplemental brief and should reject the relief requested in Plaintiffs’ proposed
4 order.
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6 As an initial matter, the President has now issued an Executive Order that
7 halts family separation, directs family detention where permissible under the law,
8 and makes other changes to promptly address issues that have arisen. Thus,
9 although Plaintiffs seek to impose a court-ordered family separation standard, the
10 Court should recognize that the President has now issued an Order that is largely
11 consistent with the relief Plaintiffs request. Specifically, the President has halted
12 family separation, and directed that separation only occur “when there is a concern
13 that detention of an alien child with the child’s alien parent would pose a risk to the
14 child’s welfare.”
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18 Second, with respect to the reunification of families, the agencies are
19 working to reunify families now that the President has ordered an end to family
20 separation policies. This Court should give the agencies time to take action, rather
21 than issuing an injunctive order. Without much more careful and thoughtful
22 consideration of the details of family detention, the reunification process, the
23 requirements of federal law, and the *Flores* Settlement Agreement, a court-
24 imposed process is likely to slow the reunification process and cause confusion and
25 conflicting obligations, rather than speed the process of reunifying families in a
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1 safe and efficient manner. To the extent the Court believes continuing oversight is
2 needed at this juncture, it should require status reports on the progress of family
3 reunification.
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5 The Court should reject Plaintiffs’ request for relief as procedurally
6 improper. Plaintiffs’ supplemental brief asks this Court to order preliminary relief
7 based on allegations made nowhere in Plaintiffs’ operative complaint. That
8 complaint was filed on April 9, 2018—weeks before the events giving rise to
9 Plaintiffs’ new request for relief. The procedurally proper way for Plaintiffs to
10 raise their new facts and claims would be for Plaintiffs to file an amended
11 complaint on behalf of an individual actually impacted by the challenged policy,
12 for Plaintiffs then to file a request for preliminary relief based on that amended
13 complaint, and for the Government then to be given adequate time to respond to
14 Plaintiffs’ new allegations and requests for relief. Preliminary relief based on
15 Plaintiffs’ new allegations is also improper for the further reason that the named
16 Plaintiffs, Ms. L. and Ms. C., lack standing to seek relief based on events that they
17 never experienced themselves and therefore which could have caused them no
18 injury. At a minimum, their failure to experience these events makes them
19 inadequate class representatives for claims seeking relief based on these events.
20 For all of these reasons, the Court should deny the relief requested and set a
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1 briefing schedule that allows an orderly presentation of issues and assurance that
2 this lawsuit may proceed under Plaintiffs’ new theories of relief.

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4 The Court should alternatively reject Plaintiffs’ request for relief on the
5 merits. For multiple reasons, Plaintiffs have failed to establish that they are entitled
6 to the relief sought in their proposed order and supplemental briefing. As an initial
7 matter, the President has now issued an Executive Order that halts family
8 separation, directs reunification, and makes other changes to promptly address
9 family separation issues that have arisen. In circumstances where there is a risk to
10 the child, it employs a standard similar to that requested by Plaintiffs, but that
11 allows for the flexibility needed for the U.S. Department of Homeland Security
12 (“DHS”) to carry out its immigration enforcement mission and address smuggling
13 concerns—that families will not be detained together “when there is a concern that
14 detention of an alien child with the child’s alien parent would pose a risk to the
15 child’s welfare.” The Court should give this Order time to be implemented before
16 entering any injunctive relief.
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21 There are also multiple reasons why Plaintiffs’ request should be denied on
22 the merits. First, Plaintiffs have not shown that their proposed standard for
23 separation requiring a “clear demonstration that the parent is unfit to care for the
24 child or presents a danger to the child” is, in contrast to the standard now set out in
25 the Executive Order, appropriate in the context of immigration enforcement actions
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1 taken by the U.S. Department of Homeland Security (“DHS”). It is also not
2 consistent with the Trafficking Victims Protection Reauthorization Act
3 (“TVPRA”) standard, which provides that a child is to be treated as
4 unaccompanied if the parent is not “available to provide care and physical
5 custody,” a standard different from that employed in state child welfare law.
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8 Second, Plaintiffs’ proposed order should not be entered because it would require
9 this Court to order the release of parents who are subject to mandatory detention,
10 which this Court has already acknowledged it lacks the authority to do. Third,
11 Plaintiffs’ proposed order asks this Court to order the U.S. Department of Health
12 and Human Services, Office of Refugee Resettlement (“ORR”) to release minors
13 from its custody in a manner that would violate the TVPRA. Fourth, the timeline
14 proposed by Plaintiffs is arbitrary and fails to take into account the Government’s
15 need to ensure that any reunifications can be completed safely and in accordance
16 with applicable law. Finally, and critically, without much more careful and
17 thoughtful consideration of the details of the family detention, the reunification
18 process, the requirements of federal law, and the *Flores* Settlement Agreement, a
19 court administered solution like the one proposed by Plaintiffs is likely to slow that
20 process and cause confusion, rather than speed the process of reunifying families in
21 a safe and efficient manner.
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1 For these reasons, this Court should deny Plaintiffs’ request for preliminary
2 injunctive relief.

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4 II. ARGUMENT

5 A. *The Court Should Deny Plaintiffs’ Newly Requested Relief Because It*
6 *Is Procedurally Improper.*

7 The Court should reject Plaintiffs’ request for relief on three independent
8 procedural grounds.

9
10 *First*, Plaintiffs improperly seek relief that is beyond the scope of their
11 operative complaint—and granting any such relief would be contrary to law, and
12 would deny the Government the opportunity to properly respond to these new
13 allegations.

14
15 Plaintiffs’ supplemental request for relief rests on events that occurred after
16 Plaintiffs filed their operative complaint. To obtain preliminary injunctive relief,
17 “the moving party must establish a relationship between the injury claimed in the
18 motion and the conduct giving rise to the complaint.” *Banks v. Annucci*, 48 F.
19 Supp. 3d 394, 422 (N.D.N.Y. 2014) (citations omitted). Plaintiffs’ supplemental
20 brief flunks that test. Plaintiffs’ supplemental brief asks this Court to grant relief
21 based on policies and facts that largely occurred after Plaintiffs filed their amended
22 complaint on April 9, 2018, and after their preliminary injunction motion was
23 argued and submitted to this Court on May 4, 2018. Plaintiffs rely heavily on: the
24 Government’s Zero-Tolerance Policy for criminal illegal entry that was announced
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1 on April 6, 2018 by the Attorney General, and further by the Secretary of
2 Homeland Security on May 4, 2018 confirming the referral of cases; an executive
3 order (“Affording Congress an Opportunity to Address Family Separation”) that
4 was issued on June 20, 2018; and on events that Plaintiffs allege have occurred
5 related to these policies. Plaintiffs should not be permitted to make an end-run
6 around the rules on amending pleadings, nor should the Court order relief based on
7 allegations that are not—and could not be—found in the operative complaint in
8 this case.
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11 Next, Plaintiffs’ supplemental brief otherwise seeks to improperly expand
12 the scope of their operative complaint. For example, Plaintiffs purport to seek
13 relief for individuals being removed from the United States without their child. But
14 no allegations regarding any such removal are contained anywhere in Plaintiffs’
15 operative complaint, and no named Plaintiff alleges that she experienced any such
16 scenario. Plaintiffs’ request for relief on these grounds is improper unless Plaintiffs
17 amend their complaint to add these allegations.
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21 Moreover, Plaintiffs have also filed ten new declarations, totaling over 200
22 pages, containing new factual allegations from new individuals. Plaintiffs have not
23 provided Defendants with the identifying information for many of the individuals
24 on whom their new allegations are based so that Defendants are unable to fully
25 respond to these allegations, particularly given the short timeline allowed for
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1 providing a response to Plaintiffs' filing. Because these new claims and facts are
2 beyond the scope of Plaintiffs' amended complaint, Plaintiffs should not be
3 permitted to obtain the preliminary relief sought on the basis of these new
4 allegations. *See Ladd v. Dairyland County Mut. Ins. Co. of Texas*, 96 F.R.D. 335,
5 338 (N.D. Ill. 1982) (claims not mentioned in plaintiff's original or amended
6 complaint cannot be a class issue); *see also Church of Holy Light of Queen v.*
7 *Holder*, 443 F. App'x 302, 303 (9th Cir. 2011) ("The injunction is therefore overly
8 broad because it reaches beyond the scope of the complaint . . ."); *Devose v.*
9 *Herrington*, 42 F.3d 470, 471 (8th Cir. 1994); *Omega World Travel, Inc. v. Trans*
10 *World Airlines*, 111 F.3d 14, 16 (4th Cir. 1997). The only procedurally sound way
11 for Plaintiffs to raise their new allegations and claims would be to file an amended
12 complaint, which the Court has given them leave to do by July 3, 2018, and to then
13 file a request for preliminary relief based on that amended complaint in a
14 timeframe that would also permit the Government adequate time to respond to
15 these new allegations. Until Plaintiffs follow a proper procedural channel, this
16 Court should decline to consider their request for relief based on these new
17 allegations.

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24 *Second*, Plaintiffs cannot be granted the relief that they request because Ms.
25 L. and Ms. C, the sole named Plaintiffs, lack standing to bring Plaintiffs' new
26 claims on behalf of the putative class. As the sole class representatives, the named
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1 Plaintiffs must demonstrate a “legally and judicially cognizable” injury, *Raines v.*
2 *Byrd*, 521 U.S. 811, 819 (1997), consisting of, at minimum, a “concrete and
3 particularized” injury that is “actual or imminent, not conjectural or hypothetical.”
4 *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992). They must “demonstrate
5 standing for each claim he seeks to press and for each form of relief that is sought.”
6 *Davis v. FEC*, 554 U.S. 724, 734 (2008). Because both Ms. L. and Ms. C. filed
7 their amended complaint and motion for preliminary injunction on April 9, 2018,
8 they do not have standing bring claims based on the later-implemented “Zero
9 Tolerance Policy,” or the Executive Order. Although this Court determined that the
10 voluntary cessation exception to the mootness doctrine preserved the claims Ms. L.
11 raised in the amended complaint, those exceptions do not apply here. Ms. L.’s
12 personal interest in the new claims is not moot; rather, it never existed in the first
13 place and cannot be rescued by a mootness exception.

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18 In addition, in their proposed order, Plaintiffs ask this Court to order relief
19 on behalf of “parents who are facing imminent deportation without their
20 accompanying children.” ECF No. 78 at 15. Yet the operative complaint does not
21 make a single allegation about any individual being removed without their child,
22 and Ms. L. and Ms. C. do not allege that they suffered any such injury. Ms. L. and
23 Ms. C. therefore lack the requisite standing to obtain class-wide relief on that basis.
24 Because the named Plaintiffs lack standing to claim injury based on the allegations
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1 contained in Plaintiffs' supplemental brief, Plaintiffs should not be permitted to
2 raise these new claims in their individual capacity, nor can they bring these claims
3 as representatives on behalf of the proposed class.
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5 *Third*, and for similar reasons, Ms. L. and Ms. C. are also inadequate class
6 representatives for any individuals subject to the Zero-Tolerance Policy, any
7 claims raised regarding the Executive Order, or any new claims that were not
8 raised in their amended complaint. Under Rule 23, a class representative's claim
9 must be typical of the claims in the class and the representative must fairly and
10 adequately protect the interests of the class. *See Fed. R. Civ. Proc. 23(a)(3), (4)*. It
11 is axiomatic that an uninjured plaintiff cannot bring suit on behalf of an injured
12 class—an uncertified class cannot have standing independently of a named
13 plaintiff. The class representative must have the interest and ability to represent the
14 claims of the class vigorously. *In re Cmty. Bank of N. Va.*, 622 F.3d 275, 291 (3d
15 Cir. 2010); *see Lierboe v. State Farm. Mut. Auto. Ins. Co.*, 350 F.3d 1018, 1022–23
16 (9th Cir.2003) (finding that class representatives must have standing to bring all
17 claims held by the putative class to which they belong and which they purport to
18 represent). Because a class representative must be part of the class and possess the
19 same interests and suffer the same injury as the class members, Ms. L. and Ms. C.,
20 the sole named Plaintiffs, are inadequate class representatives for individuals who
21 are alleging injury and seeking relief on the basis of allegations related to the Zero
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1 Tolerance Policy. *East Tex. Motor Freight System, Inc. v. Rodriguez*, 431 U.S. 395,
2 403, (1977) (“a class representative must be part of the class and possess the same
3 interest and suffer the same injury as the class members”).
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5 *B. The Court Should Deny Plaintiffs’ Newly-Requested Proposed Relief*
6 *Because It Is Substantively Baseless.*

7 Even if the Court finds that it can properly consider newly-implemented
8 policies and factual events that have occurred since the amended complaint was
9 filed, the Court should still reject the relief requested by Plaintiffs. Plaintiffs cannot
10 show that they are entitled on the merits to the relief they seek.
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12 1. Plaintiffs’ Proposed Standard For Separation Is Inappropriate In
13 The Context Of Criminal Prosecutions and Immigration
14 Enforcement Actions.

15 First, the Court should not grant Plaintiffs relief because there is no legal
16 basis to apply Plaintiffs’ proposed standard for separation in the context of
17 separations that are incident to other, lawful, immigration enforcement decisions.
18 Accordingly, such standard should not serve as the basis for any class definition,
19 and should not be applied across the board, without any regard for the context in
20 which any separation decision is being made.
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23 It is important to emphasize at the start that the President’s executive order
24 explained that it is the “policy of this Administration to maintain family unity,
25 including by detaining families together where appropriate and consistent with law
26 and available resources.” EO § 1. The President further ordered that a family
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1 would not be detained together “when there is a concern that detention of an alien
2 child with the child’s alien parent would pose a risk to the child’s welfare.” *Id.* § 3.
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4 Plaintiffs have not shown that this direction is illegal or improper or any respect—
5 instead, it is a critical component of immigration enforcement to protect children at
6 the border in circumstances rife with smuggling, where children have been and are
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8 continuing to be placed at great risk.

9 Given that the standard in the Order is similar to the standard sought by
10 Plaintiffs, while at the same time taking into consideration important immigration
11 enforcement goals and the role of DHS in enforcing immigration laws, there is
12 good reason for the Court to give the Government time to implement the Executive
13 Order rather than issuing injunctive relief. Importantly, Plaintiffs have submitted
14 no evidence to suggest that the Executive Order is being applied in a way that
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16 causes harm to any individual, much less a Plaintiff in this action.

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18 Plaintiffs ask the Court to impose a standard that would require that no child
19 may be separated from an accompanying adult who purports to be a parent of that
20 child “absent a clear demonstration that the parent is unfit or presents a danger to
21 the child.” Proposed Order Paragraphs (3) through (6). Plaintiffs argue that this
22 standard should be applied because it comes from generally accepted child welfare
23 laws. ECF No. 78 at 9-10. But the law relied on by Plaintiffs arose in the context of
24 cases where the central and only issue being considered was the termination of
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1 parental rights. *See* ECF No. 48-1 at 12–13. Plaintiffs have provided no basis to
2 find that this standard can appropriately be applied in the immigration enforcement
3 context, in which important foreign-policy, national-security, and criminal-
4 enforcement issues are necessarily a part of the considerations at play. Nor have
5 Plaintiffs shown why the standard set forth by the Executive Order is
6 inappropriate, or why this Court’s intervention is needed given the direction in the
7 Executive Order limiting family separation. Finally, Plaintiffs have not addressed
8 the TVPRA, which requires that a minor must be transferred to the custody of
9 ORR if his or her parent is not “available to provide care and custody” to the child.
10 6 U.S.C. § 279(g)(2); 8 U.S.C. § 1232(b)(3).

14 Thus, in determining what standard should be applied to a separation
15 decision made by the Government, the Court should consider the immigration
16 enforcement that occurs at the border where these separation decisions are made.
17 For example, DHS plays an important role in disrupting smuggling operations and
18 ensuring the safety of minors brought into the United States. *See generally*
19 Declaration of Mark W. Sanders, ECF No. 57-4. DHS regularly sees cases of
20 adults with children purporting to be a family group, and DHS has legitimate
21 reason to believe that in some of these cases the family group may be fraudulent.
22 *Id.* ¶ 6. In this context, when DHS encounters a purported family group, it is
23 considering more than just the limited issue of the fitness of a confirmed parent,
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1 but instead must consider the broader issues of safety related to the smuggling of
2 children and the use of children to gain entry into the United States. *Id.*

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4 Ignoring these concerns, Plaintiffs argue that the Court should limit DHS's
5 ability to separate a child where DHS has concerns about the relationship between
6 a child and adult who purport to be a family group. ECF No. 78 at 9–10. But
7 Plaintiffs do not address the risks created by such a limitation. And because the
8 standard proposed by Plaintiffs ignores these concerns, it is unreasonably narrow
9 and—critically—it interferes with DHS's important function of protecting children
10 from smuggling at the U.S. border. Because Plaintiffs' proposed standard for
11 separation fails to take these important considerations into account, the Court
12 should decline to adopt the class definition proposed by Plaintiffs, and should
13 further decline to order that separations may not occur "absent a clear
14 demonstration that the parent is unfit or presents a danger to the child."
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18 Plaintiffs' proposed order also ignores important safety concerns related to
19 detention in U.S. Immigration and Customs Enforcement ("ICE") family
20 residential center ("FRCs" that would make such detention impossible or otherwise
21 inappropriate.¹ ICE FRCs have an open plan layout, and allow free movement
22 throughout the facilities. Because of this, ICE must consider not only whether any
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26 ¹ Plaintiffs suggest that Defendants have argued that the *Flores* Settlement
27 Agreement would prohibit reunification in ICE FRCs. ECF No. 78 at 7-8.
28 Defendants have made no such claim.

1 adult considered for detention in an ICE FRC may pose a danger to his or her
2 child, but also whether any adult or child being considered for such placement
3 might pose a danger to others in the facility. Thus, while Plaintiffs contend that
4 separation may never occur based on criminal history, ECF No. 78 at 10, Plaintiffs
5 do not address the fact that ICE must consider this criminal history not only in the
6 context of the safety of one child, but in the context of considering the safety of all
7 residents at an ICE FRC. Requiring ICE to detain a family unit in an ICE FRC
8 absent clear evidence of danger to the individual child in that family unit is an
9 overly strict, unworkable standard that has no relationship to the unique
10 considerations at issue in ICE FRCs, and therefore the Court should not adopt such
11 a standard.
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16 2. Plaintiffs' Proposed Order Would Require This Court To Order
17 The Release Of Individuals Subject To Mandatory Immigration
18 Detention.

19 Plaintiffs also improperly request relief that this Court lacks authority to
20 grant. As this Court has already recognized, the Court has no authority to order the
21 Government to parole individuals who are otherwise subject to mandatory
22 detention for the purpose of reunification. *See* Order on Motion to Dismiss, ECF
23 No. 71, at 10 n.3 (“Individuals in the expedited removal process who have not been
24 found to have a ‘credible fear of persecution’ for asylum purposes are subject to
25 mandatory detention. 8 U.S.C. § 1225(b)(1)(B)(iii)(IV). These individuals may be
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1 released only if they are granted parole, i.e., released under narrowly prescribed
2 circumstances, such as ‘urgent humanitarian reasons or significant public
3 benefit[,]’ 8 U.S.C. § 1182(d)(5)(A), medical emergency or a ‘legitimate law
4 enforcement objective.’ 8 C.F.R. § 235.3(b)(2)(iii).’); *see also* ECF No. 56-1 at
5 11–12; *Jennings v. Rodriguez*, -- U.S. --, 138 S. Ct. 830 (2018). Because this Court
6 lacks the authority to order the Government to release these individuals who are
7 subject to mandatory detention, the proposed order cannot be adopted as written.
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10 3. Plaintiffs’ Proposed Order Disregards The Requirements Of The
11 TVPRA.

12 Plaintiffs’ also improperly seek relief that is barred by the TVPRA.

13 Paragraphs (4) and (5) of Plaintiffs’ proposed order would require ORR to release
14 from its custody all minors in its custody whose parent either is in DHS custody, or
15 has been in DHS custody, absent “a clear demonstration that the parent is unfit to
16 care for the child or presents a danger to the child, or the parent affirmatively,
17 knowingly, and voluntarily declines to be reunited with the child.” That release
18 would be either to an ICE FRC, *see* Paragraph (4), or to the parent who has been
19 released into the interior of the United States, Paragraph (5). Once again, however,
20 Plaintiffs ask this Court to apply a standard for release that was developed in an
21 unrelated context, while at the same time failing to explain how such a release can
22 be ordered in the face of the plain requirement of the TVPRA that prohibits ORR
23 from releasing any unaccompanied alien child (“UAC”) from its custody without
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1 first making “a determination that the proposed custodian is capable of providing
2 for the child’s physical and mental well-being.” 8 U.S.C. § 1232(c)(3)(A). This
3 Court should not order ORR to release minors from custody under a standard that
4 would violate the requirements of the TVPRA.²

6 In accordance with the TVPRA’s requirement that ORR assess the
7 suitability of any proposed sponsor before releasing a minor to that person’s
8 custody, ORR evaluates the ability of any potential sponsor, including the child’s
9 parent, to provide for the child’s physical and mental well-being, to protect him or
10 her from “smugglers, traffickers, or others who might seek to victimize or
11 otherwise engage the child in criminal, harmful or exploitative activity.” Office of
12 Refugee Resettlement, ORR Policy Guide: Children Entering the United States
13 Unaccompanied (“ORR Guide”) § 2.1, *available at*:

14 [http://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-](http://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied)
15 [unaccompanied](http://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied) (last accessed June 23, 2018); *see also* Supplemental Declaration o
16 Jallyn Sualog (“Sualog Decl.”) ¶ 4 (describing steps in the release process). This
17 process serves the purposes of the TVPRA to ensure the safe release of children
18 from Government custody. *See* Sualog Decl. ¶¶ 5-9. Notably, many steps in
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25 ² Where a child’s parent has been detained in criminal custody, or has been
26 detained in immigration custody and determined to be ineligible for placement into
27 an ICE FRC, that child is designated as UACs because his or her parent is not
28 “available to provide care and physical custody.” 6 U.S.C. § 279(g)(2).

1 process were developed in response to public criticism after ORR released eight
2 children to traffickers who the children's parents had identified as family friends.

3
4 *Id.* ¶ 7. The use of home studies, for example, is an important tool for ORR to
5 investigate a potential sponsor to ensure the safety and well-being of a child before
6 release. *Id.* In light of the important safety concerns that underlie the release
7 requirements of the TVPRA, the Court should not order ORR to release UACs
8 from its custody as requested by Plaintiffs in a manner that ignores those
9 requirements.
10

11
12 4. Plaintiffs' Proposed Timeline For Reunification Should Not Be
13 Ordered Because It Is Not Tied To Any Applicable Law
14 Governing Reunification.

15 Because the timeline for reunification proposed by Plaintiffs is not tied to
16 any of the applicable law governing the release of putative class members or their
17 children, it is arbitrary and Plaintiffs have shown no good reason why the Court
18 should order such relief. Even if the Court does order some relief requiring that
19 separated parents and children be considered for reunification in accordance with
20 applicable laws, the timeframe for such consideration should take into account the
21 limited availability of beds at ICE FRCs, the lack of authority for this Court to
22 order the Government to release individuals who are subject to mandatory
23 immigration detention, and the important safety considerations inherent in ORR's
24 release procedures under the TVPRA. Defendants are in the process of
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1 implementing the June 20, 2018 Executive Order to limit incidents of family
2 separation, and are taking steps to reunify those families who have been separated
3 in accordance with the applicable laws as discussed above. *See* Zero-Tolerance
4 Prosecution and Family Reunification, June 23, 2018, available at:
5 [https://www.hhs.gov/about/news/2018/06/23/zero-tolerance-prosecution-and-](https://www.hhs.gov/about/news/2018/06/23/zero-tolerance-prosecution-and-family-reunification.html)
6 [family-reunification.html](https://www.hhs.gov/about/news/2018/06/23/zero-tolerance-prosecution-and-family-reunification.html) (last accessed June 26, 2018). Orderly implementation of
7 that executive order will, of course, take time to be undertaken properly. The Court
8 should not accept Plaintiffs' invitation to preempt or disrupt that implementation
9 effort. Indeed, a hasty injunctive ruling by this Court on issues of this level of
10 complexity would be as likely to slow and complicate reunification efforts as to
11 speed them. Accordingly, this Court should not issue the preliminary injunctive
12 relief requested by Plaintiffs.

17 III. CONCLUSION

18 For the reasons set forth above, this Court should deny the requested
19 preliminary injunction. The Court should establish a schedule that allows for
20 orderly briefing regarding any new allegations that Plaintiffs wish to make.
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1 DATED: June 26, 2018

Respectfully submitted,

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